

## Extra Ordinary Part - IV / 2004

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Extra No.1	22-01-2004	Legislative & Parliamentary Affairs Department
Extra No.2	10-02-2004	Industries & Mines Department
Extra No.3	10-02-2004	Industries & Mines Department
Extra No.4	27-02-2004	Legislative & Parliamentary Affairs Department
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Extra No.26	18-06-2004	Legislative & Parliamentary Affairs Department
Extra No.27	18-06-2004	Legislative & Parliamentary Affairs Department
Extra No.28	31-12-2004	Labour & Employment Department



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# The Gujarat Government Gazette EXTRAORDINARY

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Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

## PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 6<sup>th</sup> January, 2004 is hereby published for general information.

S. S. PARMAR,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 1 OF 2004.

(First published, after having received the assent of the President in the "Gujarat Government Gazette", on the 22<sup>nd</sup> January, 2004).

### AN ACT

to protect the interest of depositors of the Financial Establishments  
and for the matters connected therewith or incidental thereto

It is hereby enacted in the Fifty-fourth Year of the Republic of India  
as follows:-

1. (1) This Act may be called the Gujarat Protection of Interest of  
Depositors (in Financial Establishments) Act, 2003.

Short title and  
commencement.

(2) It shall come into force on such date as the State Government may,  
by notification in the *Official Gazette*, appoint.



**Definitions.****2.** In this Act, unless the context otherwise requires, -

- (a) "Competent Authority" means the Competent Authority appointed under section 5;
- (b) "Designated Court" means the Designated Court constituted under section 9;
- (c) "deposit" includes and shall be deemed always to have been included any receipt of money or acceptance of any valuable commodity by any Financial Establishment to be returned after a specified period or otherwise, either in cash or in kind or in the form of a specified service with or without any benefit in the form of interest, bonus, profit or in any other form, but does not include -
  - (i) amounts raised by way of share capital or by way of debenture, bond or any other instrument covered under the guidelines given and regulations made by the Securities and Exchange Board of India, established under the Securities and Exchange Board of India Act, 1992; 15 of 1992.
  - (ii) amounts contributed as capital by partners of a firm;
  - (iii) amounts received from a Scheduled Bank or a Co-operative Bank or any other banking company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949; 10 of 1949.
  - (iv) any amount received from -
    - (a) the Industrial Development Bank of India,
    - (b) the Gujarat State Financial Corporation,
    - (c) any financial institution specified in or under section 4A of the Companies Act, 1956, 1 of 1956.
    - (d) any other institution as the State Government may by an order specify;
  - (v) amounts received in the ordinary course of business by way of -
    - (a) security deposit.

- (b) dealership deposit,
  - (c) earnest money, or
  - (d) advance against order for goods or service;
- (vi) any amount received from an individual or a firm or an association of individuals not being a body corporate, registered under any enactment relating to money lending which is for the time being in force in the State; and
- (vii) any amount received by way of subscriptions in respect of a Chit.

*Explanation.*- For the purpose of this clause -

40 of 1982.

- (i) Chit shall have the same meaning as assigned to it in clause (b) of section 2 of the Chit Funds Act, 1982;
- (ii) Any credit given by a seller to a buyer on the sale of any property whether movable or immovable shall not deemed to be a deposit;

10 of 1949.

(d) "Financial Establishment" means any person or group of individuals accepting deposits under any scheme or arrangement or in any other manner but does not include a Corporation owned or controlled by any State Government or the Central Government or a banking Company as defined under clause (c) of section 5 of the Banking Regulation Act, 1949.

3. Any Financial Establishment, which fraudulently defaults any repayment of deposit on maturity alongwith any benefit in the form of interest, bonus, profit or in any other form as promised or fraudulently fails to render service as assured against the deposit, every person including the promoter, partner, director, manager or any other person or an employee responsible for the management of or conducting of the business or affairs of such Financial Establishment shall, on conviction, be punished with imprisonment for a term which may extend to six years and with fine which may extent to ten lacs of rupees and such Financial Establishment also shall be liable for a fine which may extend to ten lacs of rupees:

**Fraudulent  
defaults by -  
Financial  
Establishment.**

Provided that in the absence of special and adequate reasons recorded in the judgement of the court, the imprisonment shall not be less than three years and the fine shall not be less than one lac of rupees and in case of imposition of fine on Financial Establishment, it shall not be less than five lacs of rupees.

*Explanation.* - For the purpose of this section, a Financial Establishment, which commits default in repayment of such deposit with such benefits in the form of interest, bonus, profit or in any other form as promised or fails to render any specified service promised against such deposit, or fails to render any specific service agreed against the deposit with an intention of causing wrongful gain to one person or wrongful loss to another person or commits such defaults due to its inability arising out of impracticable or commercially not viable promises made while accepting such deposit or arising out of deployment of money or assets acquired out of the deposits in such a manner as it involves inherent risk in recovering the same when needed shall, be deemed to have committed a default or failed to render the specific service, fraudulently.

Attachment of  
properties on  
default of  
return of  
deposit.

4. (1) Notwithstanding anything contained in any other law for the time being in force, -

- (i) Where upon complaint received from the depositor or otherwise, the State Government is satisfied that any Financial Establishment has failed, -
  - (a) to return the deposit on maturity on demand by the depositor; or
  - (b) to pay interest or other assured benefit; or
  - (c) to provide the service promised against such deposit; or
- (ii) Where the State Government has reason to believe that any Financial Establishment is acting in a calculated manner detrimental to the interest of the depositors with an intention to defraud them;

and if the State Government is satisfied that such Financial Establishment is not likely to return the deposits or make payment of interest or other benefits assured or to provide the services against which the deposit is received, the State Government may, in order to protect the interest of the depositors of such Financial Establishment, after recording the reasons in writing, issue an order by publishing it in the *Official Gazette*, for attaching the money, property or assets belonging to or believed to have been acquired by such Financial Establishment either in its own name or in the name of any other person from out of the deposits collected by the Financial Establishment, or if it transpires that such moneys, properties or assets, is not available for attachment or not sufficient for repayment of the deposits, such other property or assets of the said Financial Establishment or of the promoter, director, partner or

member of the said establishment as the State Government may think fit.

(2) On publication of the order under sub-section (1), all the moneys, properties and assets of the Financial Establishment and of the person mentioned therein shall forthwith vest in the Competent Authority pending further order from the Designated Court.

(3) The Collector of a district shall be competent within his jurisdiction to receive the complaint under sub-section (1) and he shall forward such complaint alongwith his report to the State Government at the earliest and shall send a copy of the complaint to the concerned Superintendent of Police or Commissioner of Police, as the case may be, for investigation.

5. (1) The State Government shall while issuing the order under sub-section (1) of section 4, appoint an officer not below the rank of the Deputy Collector to be the Competent Authority to exercise control over the moneys, properties and assets attached by the State Government under section 4.

**Appointment  
of Competent  
Authority.**

(2) The Competent Authority shall have such other powers and discharge such other functions as may be prescribed by rules for carrying out the purposes of this Act.

(3) The Competent Authority shall apply, within thirty days from the date of the publication of the order made under section 4 to the Designated Court, accompanied by one or more affidavits stating therein the grounds on which the State Government has issued the said order and the amount of moneys or other properties or assets belonging to or believed to have been acquired out of the deposits and the details, if any, or persons in whose name such property is believed to have been invested or acquired or any other property attached under section 4, for such further orders as the Designated Court may find necessary.

(4) The Competent Authority may, also make an application to any Special Court or Designated Court or any other judicial forum established or constituted or entrusted with the powers by any other State Government for adjudicating any issue or subject matter pertaining to moneys or properties or assets of the Financial Establishment under any similar enactment in respect of moneys or properties or assets belonging to or ostensibly belonging to the Financial Establishment or of any person notified under this Act situated within the territorial jurisdiction of that Special Court or Designated Court or any judicial forum, as the case may be, for passing appropriate orders to give effect to the provisions of this Act.



**Duties and  
powers of  
Competent  
Authority.**

6. (1) The Competent Authority, on receipt of order of his appointment, shall take such necessary actions as it is necessary or expedient for taking physical possession of all the moneys, properties and assets of the concerned Financial Establishment expeditiously and he shall have all the powers which are necessary for the aforesaid purpose.

(2) Without prejudice to the generality of the powers vested under sub-section (1), the Competent Authority shall be entitled to -

- (a) require assistance of any police authority or any other authority or person and on such requisition, it shall be the duty of the police authority or such other authority or person to extend necessary assistance;
- (b) open bank accounts in any scheduled commercial bank and credit all moneys realised and operate the bank accounts while dealing;
- (c) to direct the person to furnish the necessary information relating to moneys, properties and assets of the Financial Establishment to hand over possession of such moneys, properties and assets to the Competent Authority and such person shall comply with the requisition without any loss of time;
- (d) appoint legal practitioner or chartered accountant or any other person whose services are necessary for taking possession of assets and realisation of the assets of the Financial Establishment;
- (e) sell, receive, transfer, endorse, negotiate or otherwise deal with any marketable security or negotiable instrument belonging to or in the control of the Financial Establishment and give proper discharge for the same;
- (f) sell, transfer or otherwise realise any movable or immovable property belonging to or in the control of the Financial Establishment either by public auction or with the prior approval of the Designated Court by private arrangements:

Provided that the perishable items of assets shall be sold by public auction at the earliest as the Competent Authority deems fit;

- (g) make payment as per the orders passed by the Designated Court from out of the bank accounts; and



- (h) do all and every acts and deeds which would be necessary for the speedy realisation of the assets of the Financial Establishment.

*Explanation.*- For the purpose of this section, the expression "Financial Establishment" includes the promoters, directors, partners, managers or members of the said establishment or any other person whose property or assets have been attached under section 4.

7. (1) The Competent Authority shall, within thirty days from the date of his appointment, assess the assets, deposits and liabilities of the Financial Establishment and submit the statement thereof to the Designated Court.

Assessment of  
assets,  
deposits and  
liabilities.

- (2) The Competent Authority thereafter shall issue notice either individually or by means of effective media publication inviting the claims by secured creditors, if any, and also the depositors of the Financial Establishment to submit their claims with sufficient proof in support thereof.

- (3) Every notice under sub-section (2) shall specify that if the statement of claims is not sent to the Competent Authority before the expiry of the period of one month from the date of such notice, the claims shall not be treated as claim entitled to be paid under the provisions of this Act.

- (4) Every notice to a secured creditor shall require him to value the security before the expiry of the period of one month from the date of the notice and such notice shall also specify that if the statement of the claim together with the valuation of the security is not sent to the Competent Authority within such period, the Competent Authority himself shall value the security to the best of his judgement and his valuation shall be binding on such secured creditors.

- (5) The Competent Authority shall prepare a statement of dues of the Financial Establishment which is due from various debtors, the assessments of the value of the property and assets of the Financial Establishment and the list of the depositors and their respective dues; and submit the same to the Designated Court.

8. The Competent Authority shall, after complying with the provisions of section 7, make an application to the Designated Court seeking permission to make payment to the depositors from out of the money realised. While making such application, the Competent Authority shall assess the liability to the depositors and the other liabilities and in case the money realised or realisable is not sufficient to meet with the entire liability,

Report by  
Competent  
Authority.

make a submission to the Designated Court seeking permission for making payment to the depositors and disburse the money as per the orders of the Designated Court.

Designated  
Court.

9. (1) For the purposes of this Act, the State Government may, with the concurrence of the Chief Justice of the High Court of Gujarat, by notification, in the *Official Gazette*, constitute one or more Designated Court of the level of the Court of a District and Sessions Judge for such area or for such case or group of cases or such class as may be specified in the notification.

(2) No Court, other than the Designated Court shall have jurisdiction to deal with or decide any question which the Designated Court is empowered to deal with or decide by or under this Act.

(3) Any case or proceeding pending before any Court or any authority in relation to the moneys, properties or assets of the Financial Establishment covered by an order made under section 4, shall stand transferred to the respective Designated Court and shall be dealt with and decided by such Court in accordance with the provisions of this Act.

Powers of  
Designated  
Court  
regarding  
attachment.

10. (1) Upon receipt of an application made under section 5, the Designated Court shall issue to the Financial Establishment or to any other person whose moneys, properties or assets are attached by the State Government and vested in the Competent Authority under section 4, a notice accompanied by the application and affidavits and copies of the evidence, if any, recorded, calling upon the said establishment or the said person to show cause on a date to be specified in the notice, why the order of attachment should not be made absolute.

(2) The Designated Court shall also issue such notice, to all other persons represented to it, as having or being likely to claim any interest or title in the property of the Financial Establishment or of the person to whom the notice is issued under sub-section (1), calling upon all such persons to appear on the same date as that specified in the notice and to make objection if they so desire, to the attachment of the moneys, properties or assets or any portion thereof on the ground that they have interest in such property or portion thereof.

(3) Any person claiming an interest in the moneys, properties or assets attached or any portion thereof may, notwithstanding that no notice has been served upon him under this section, make an objection as aforesaid to the Designated Court at any time before an order is passed under sub-section (4) or sub-section (6).

(4) The Designated Court shall, if no objection is made or no cause is shown on or before the specified date under sub-section (2), forthwith pass an order making the order of attachment absolute, and issue such direction as may be necessary for realisation of the property, and assets and moneys attached and for equitable distribution among the depositors of the money so realised.

5 of 1908.

(5) If cause shown or any objection is made as aforesaid, the Designated Court shall proceed to investigate the same and in so doing as regards the examination of the parties and in all other respects, the Designated Court shall, subject to the provisions of this Act, follow the summary procedure as contemplated under Order 37 of the Civil Procedure Code, 1908 and exercise all the powers of a court in hearing a suit under the said Code and any person making an objection shall be required to adduce evidence to show that at the date of the attachment he had some interest in the property so attached.

(6) After investigation under sub-section (5), the Designated Court shall pass an order either making the order of attachment passed under sub-section (1) of section 4 absolute or varying it by releasing a portion of the property or assets or moneys from attachment or canceling the order of attachment:

Provided that the Designated Court shall not release from attachment any interest, which it is satisfied that the Financial Establishment or the person referred to in sub-section (1) has in the property or assets, unless it is also satisfied that there will remain under attachment an amount of property of value not less than the value that is required for repayment to the depositors of such Financial Establishment.

(7) Where an application is made by any person duly authorised or constituted or specified by any other State Government under similar enactment empowering him to exercise control over any moneys or properties or assets attached by that State Government, the Designated Court shall exercise all its powers, as if, such an application were made under this Act and pass appropriate order or give direction on such application so as to give effect to the provisions of such enactment.

11. (1) The Designated Court shall have all the powers for giving effect to the provisions of this Act.

(2) Without prejudice to the generality of sub-section (1), the Designated Court may -

(a) give any direction to the Competent Authority as it deems fit, for effective implementation of the provisions of this Act;

Power of Designated Court regarding realisation of assets and payment to depositors.

- (b) approve the statement of dues of the Financial Establishment which is due from various debtors, the assessment of the value of the assets of the Financial Establishment and finalise the list of the depositors and their respective dues;
- (c) direct the Competent Authority to take possession of any property or assets belonging to or in the control of the Financial Establishment and to sell, transfer or realise the attached property or assets either by public auction or by private sale as it deems fit depending upon the nature of property or assets and credit the sale proceeds thereof to the bank accounts;
- (d) approve the necessary expenditure incurred by the Competent Authority for taking possession and realisation of the properties and assets of the Financial Establishment;
- (e) pass an order to make payment to the depositors by the Competent Authority or for proportionate payment to the depositors in the case where the moneys so realised is not sufficient to meet with the entire deposit liability; and
- (f) pass any order appropriate for realisation of the property or assets of the Financial Establishment and repayment to the depositors of such Financial Establishment or on any matter incidental thereto.

*Explanation.* – For the purpose of this section, the expression "Financial Establishment" includes the promoter, director, partner, manager or member of the said Establishment or any other person whose properties or assets have been attached under section 4.

Attachment of  
property of  
malafide  
transferees.

12. (1) Where the property or assets available for attachment of a Financial Establishment or other person referred to in section 4 are found to be less than the amount or value which such Financial Establishment is required to repay to the depositors and where the Designated Court is satisfied by an affidavit or otherwise, that there is reason to believe that the said Financial Establishment has transferred any of the property otherwise than in good faith or for inadequate consideration, the Designated Court may, by notice, require any transferee of such property, whether or not he received the property directly from the said Financial Establishment, to appear, on a date to be specified in the notice and show cause why so much of the transferee's property as is equivalent to the proper value of the property transferred should not be attached.

(2) Where the said transferee does not appear and show cause on the specified date, or where after investigation in the manner provided in sub-section (5) of section 10, the Designated Court is satisfied that the transfer of the property to the said transferee was not in good faith and for not for adequate consideration, the Designated Court shall order the attachment of



so much of the said transferee's property as is in the opinion of the Designated Court equivalent to the proper value of the property transferred.

13. Any Financial Establishment or person whose moneys, properties or assets have been or are about to be attached under this Act may, at any time, apply to the Designated Court for permission to give security in lieu of such attachment and where the security offered and given is, in the opinion of the Designated Court, satisfactory and sufficient, the Designated Court may modify or cancel the order of attachment or as the case may be, refrain from passing the order of attachment.

Security in  
lieu of  
attachment.

14. The Designated Court may, on the application of any person interested in any moneys, properties or assets attached and vested in the Competent Authority under this Act and after giving the Competent Authority an opportunity of being heard, make such order as the Designated Court considers just and reasonable for -

Administration  
of property  
attached.

(a) providing from such of the moneys, properties or assets attached and such sums as may be reasonably necessary for the maintenance of the applicant and of his family, and for expenses connected with the defence of the applicant where criminal proceedings have been instituted against him in the Designated Court under section 3;

(b) safeguarding, so far as may be practicable, the interest of any business affected by the attachment and in particular, the interest of any partner or any other person connected with such business.

15. (1) Any person, including the Competent Authority, if aggrieved by an order of the Designated Court, may appeal to the High Court within thirty days from the date of such order.

Appeal.

(2) In computing the period of limitation, the provisions of sections 4 and 12 of the Limitation Act, 1963 shall so far as may be, apply.

36 of 1963.

16. The State Government may, by an order, appoint one or more advocates of not less than ten years standing, as a Special Public Prosecutor as well as Special Government Pleader for the purpose of conducting the case in the Designated Court.

Special Public  
Prosecutor.

17. (1) The Designated Court may take cognizance of the offence without the accused being committed to it for trial and, in trying the accused person, shall follow the procedure prescribed in the Code of Criminal Procedure, 1973 for the trial of warrant cases by Magistrates.

Procedure  
and powers of  
Designated  
Court  
regarding  
offences.

2 of 1974.

(2) The provisions of the Code of Criminal Procedure, 1973 except section 438 thereof shall, so far as may be, apply to the proceedings before

2 of 1974.



a Designated Court and for the purposes of the said provisions a Designated Court shall be deemed to be a Magistrate.

Act to  
override other  
laws.

18. Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith, contained in any other law for the time being in force or any custom or usage.

Protection of  
action taken  
in good faith.

19. No suit, prosecution or other legal proceedings shall lie against the State Government or the Competent Authority or an officer or employee of the State Government for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act, or rules made thereunder.

Power to  
make rules.

20. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

Power to  
remove  
difficulty.

21. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, do anything, not inconsistent with the provisions of this Act, as appears it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.



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## PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

INDUSTRIES AND MINES DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 10<sup>th</sup> February, 2004.

GUJARAT ORDINANCE NO. 1 OF 2004.

## AN ORDINANCE

*to provide for the operation, maintenance, management and  
administration of a Special Economic Zone in the State of  
Gujarat and to constitute an Authority and for matters  
connected therewith or incidental thereto.*

WHEREAS the Legislative Assembly of the State of Gujarat is not  
in session;

AND WHEREAS the Governor of Gujarat is satisfied that  
circumstances exist which render it necessary for him to take immediate  
action to provide for the operation, maintenance, management and  
administration of a Special Economic Zone in the State of Gujarat and to  
constitute an Authority and for matters connected therewith or incidental  
thereto;

AND WHEREAS instructions of the President under the proviso to  
clause (1) of article 213 of the Constitution of India have been obtained;

NOW, THEREFORE, in exercise of the powers conferred on him by  
clause (1) of article 213 of the Constitution of India, the Governor of  
Gujarat is hereby pleased to make and promulgate the following Ordinance,  
namely :-

**CHAPTER I  
PRELIMINARY**

1. **Short title, extent and commencement.-** (1) This Ordinance may be called the Gujarat Special Economic Zone Ordinance, 2004.

(2) It extends to the whole of the State of Gujarat.

(3) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in *Official Gazette*, appoint.

2. **Definitions.-** In this Ordinance, unless the context otherwise requires, -

- (a) "amenities" means all basic and essential services including roads, water supply, street lighting, power supply, sewerage, drainage, collection, treatment and disposal of industrial and township wastes, public health, education, transport, fire fighting services, public parks, clubs, markets, shops and outlets and such other facilities or services as the State Government may, by notification in the *Official Gazette*, specify;
- (b) "Authority" means the Special Economic Zone Development Authority constituted under section 4;
- (c) "Co-developer" means a person who has entered into an agreement with the Developer to develop, design, build, organise, promote, operate and maintain or manage a part or whole of the infrastructure facilities and amenities in the Zone;
- (d) "Developer" means a person or body of persons, company, firm or such other private or Government undertakings, who develops, builds, designs, organises, promotes, operates or maintains or manages a part or whole of the infrastructure facilities and amenities of the Zone and appointed as such by the Government of India;
- (e) "Development Commissioner" means an officer appointed by the Government of India for the Zone to perform the functions of the Development Commissioner under this Ordinance;
- (f) "Development Committee" means the Special Economic Zone Development Committee constituted under section 12;
- (g) "Domestic Tariff Area" means an area within India outside the Zone area;

- (h) "infrastructure facilities" means industrial, commercial or any other facility for development and operation of the Zone and includes any other facilities and amenities as may be notified by the State Government;
- (i) "operator" means a person engaged by the Developer for providing infrastructure facilities, amenities and services in the Zone;
- (j) "prescribed" means prescribed by rules;
- (k) "processing area" means the area within the Zone approved by the Customs Authorities;
- (l) "regulations" means the regulations made under this Ordinance;
- (m) "rules" means the rules made under this Ordinance;
- (n) "Special Economic Zone" or "Zone" means the area declared by the Government of India as the Special Economic Zone;
- (o) "Unit" means a unit or enterprise in whole or part which is carrying on its business in the Zone and approved as such by the Unit Approval Committee;
- (p) "Unit Approval Committee" means the committee constituted under section 8.

## CHAPTER II ESTABLISHMENT OF SPECIAL ECONOMIC ZONE

3. ***Establishment of Zone and appointment of Developer.***- (1) Any person desirous of establishing the Special Economic Zone shall make an application in such form containing such particulars and documents and accompanied by such fees as may be prescribed, to the State Government.

(2) The State Government shall scrutinize the application received under sub-section (1) and recommend the same, with modification, if any, to the Government of India for its approval and declaration of the area to be the Special Economic Zone and appointment of the Developer for such Zone.

## CHAPTER III SPECIAL ECONOMIC ZONE DEVELOPMENT AUTHORITY

4. ***Constitution of Special Economic Zone Development Authority.***-

(1) There shall be an Authority to be called the Special Economic Zone Development Authority for the purposes of this Ordinance.



(2) The Authority shall be a body corporate with perpetual succession and common seal and may sue or be sued in its corporate name.

(3) (a) The Authority shall consist of the Chairperson and other members as follows, namely :-

- (i) the Chief Secretary to the Government of Gujarat, *ex-officio* who shall be the Chairperson;
- (ii) the Secretary to the Government of Gujarat, Industries and Mines Department, *ex-officio*;
- (iii) the Secretary to the Government of Gujarat, Energy and Petrochemicals Department, *ex-officio*;
- (iv) the Secretary to the Government of Gujarat, Finance Department, *ex-officio*;
- (v) the Secretary to the Government of Gujarat, Narmada, Water Resources, Water Supply and Kalpsar Department, *ex-officio*;
- (vi) the Secretary to the Government of Gujarat, Forest and Environment Department, *ex-officio*;
- (vii) the Secretary to the Government of Gujarat, Labour and Employment Department, *ex-officio*;
- (viii) the Secretary to the Government of Gujarat, Urban Development and Urban Housing Department, *ex-officio*;
- (ix) the Secretary to the Government of Gujarat, Revenue Department, *ex-officio*;
- (x) the Industries Commissioner, Gujarat State, *ex-officio*;
- (xi) the Development Commissioner, Special Economic Zone, *ex-officio*;
- (xii) Member-Secretary of the Authority.

(b) The Authority may co-opt such other members, as it may consider necessary for efficient discharge of its functions.

(c) The Authority may invite, whenever necessary, the developer or his representative in a meeting of the Authority.



*Explanation.-* For the purpose of sub-section (3), the term "Secretary" includes the Principal Secretary or Additional Chief Secretary of the Department.

**5. Headquarters and meeting of Authority.-** (1) The headquarters of the Authority shall be at Gandhinagar or at such other place as the State Government may, by notification in the *Official Gazette*, specify.

(2) The Authority shall meet at such times and places and shall observe such rule of procedure in regard to the transaction of its business at its meetings as may be provided by the regulations.

(3) No act or proceedings of the Authority shall be invalid by reason of the existence of any vacancy thereto or defect in the constitution thereof.

**6. Functions and powers of Authority.-** (1) The functions of the Authority shall be to secure planned development of the Special Economic Zone in the State and it shall be primarily responsible for the promotion, development and functioning of the Zones in the State.

(2) For the purpose of development of the Zone, the Authority shall have following powers and perform the following functions, namely :-

- (a) to recommend the name of Developer to the State Government in the manner as may be prescribed, for a part or whole of infrastructure facilities and amenities of the Zone, notwithstanding anything contained in the Gujarat Infrastructure Development Act, 1999;
- (b) to prepare the guidelines for the development of the zone with regard to land usage, floor space level, environmental provisions, safety measures and such other matters as may be directed by the State Government;
- (c) to prepare techno-economic feasibility report or a detailed project report as may be required for the development of the Zone when the Zone is to be established by the State Government or the Corporation owned and controlled by the State Government;
- (d) to acquire land in the Zone, by consent agreement or through proceedings under the Land Acquisition Act, 1894 for the purposes of this Ordinance;
- (e) to approve allocation of the Government land in the Zone in the manner as may be prescribed;

- (f) to enter into joint venture arrangement for development of different components or activity of the project of the Zone when the Zone is to be established by the State Government or the Corporation owned and controlled by the State Government;
  - (g) to co-ordinate with the departments of the State Government and the Central Government and ensure timely implementation of projects and plans of the Zone;
  - (h) to perform such other functions as may be assigned by the Government of India for development of the Zone;
  - (i) to perform such other functions as may be assigned by the State Government.
- (3) Without prejudice to the provisions of sub-sections (1) and (2), the Authority shall exercise the following powers and perform following functions, namely :-
- (a) to ensure the compliance of the approved master plan and may approve any modification in the plan if required by the Developer and provide the guiding principles for town planning and urban development standards to be implemented by the Developer;
  - (b) to nominate member in the Special Economic Zone Development Board, Unit Approval Committee, Development Committee and other committees as may be required;
  - (c) to oversee the activities and compliance of functions of Unit Approval Committee and Development Committee of respective Zone and to provide guidance;
  - (d) to constitute such other committees as may be necessary to perform any specific function of the Zone.
- (4) The Authority may, by general or special order, delegate such of its powers and functions, on such conditions as may be specified in the order, to the Development Commissioner or to the Development Committee of the Zone.

**7. Officers and employees of Authority.-** (1) The Authority may appoint Member-Secretary and such other officers and employees as it considers necessary for the performance of its functions.

(2) The Member-Secretary, officers and employees appointed under sub-section (1) shall be governed by such terms and conditions of service as may be determined by the regulations;

(3) The Member-Secretary, officers and employees shall exercise such powers and perform such duties as may assigned to them by the Authority.

**CHAPTER IV**  
**UNIT APPROVAL COMMITTEE**

8. **Unit Approval Committee.-** (1) In addition to the members of the Unit Approval Committee constituted by the Government of India for the Zone, there shall be following members to the Committee, namely :-

- (i) an officer from the Industries and Mines Department nominated to the office of the Development Commissioner;
- (ii) an officer from the Forests and Environment Department nominated to the office of the Development Commissioner;
- (iii) an officer from the Petrochemicals and Energy Department nominated to the office of the Development Commissioner;
- (iv) an officer from the Labour and Employment Department nominated to the office of the Development Commissioner.

(2) The Chairperson of the Committee may invite an expert or an officer from any department of the State Government as an invitee to represent the Government Departments not represented in the said Committee.

9. **Functions of the Unit Approval Committee.-** (1) In addition to the functions entrusted by the Government of India, the Unit Approval Committee shall grant necessary local and State level clearances, approvals, licences or, as the case may be, registrations under the State Acts for setting up a Unit within the Zone in such manner as may be prescribed by the regulations, namely:-

- (i) registration of unit and grant licence for starting, running and operating of the unit, under any of the State Acts;
- (ii) site clearance under the Factories Act, 1948 on behalf of Inspectorate of Factories and Boilers;
- (iii) approve the plan for establishment of Factory under the Factories Act, 1948;
- (iv) registration of boilers on behalf of the Chief Inspector of Boilers;
- (v) to resolve disputes of commercial nature between the agencies providing services and the consumers in the manner as may be prescribed by the regulations;

63 of 1948.

63 of 1948.



- (vi) to resolve any dispute between the Unit and the Developer regarding infrastructural facilities and amenities and services in the manner as may be prescribed by the regulations and the decision of the Unit Approval Committee thereon shall be final;
- (vii) any other approval or clearance which may be authorised by the State Government by general or special order for the purposes of this Ordinance.

(2) The Unit Approval Committee shall supervise and monitor, clearances, approvals, licences or registrations granted by it and may take appropriate action under the relevant applicable laws for breach of or non-compliance of any terms and conditions of any such clearance, approval, licence or registration.

(3) The Unit Approval Committee may appoint any agency to supervise and monitor the clearances, approvals, licences or registrations granted by it and may call for any information required to supervise and monitor such clearances, approvals, licences or registrations.

**10. *Single window clearance.***- Notwithstanding anything contained in any other law, the State Government may, -

- (i) prescribe a common application form for approval, clearance, licence, registration and no objection certificate under one or more laws;
- (ii) authorise the Development Commissioner to exercise such of the powers of the State Government or a body subordinate to the Government as may be specified by general or special order;
- (iii) prescribe a single return for reporting under two or more laws;
- (iv) authorise an officer or agency for monitoring the compliance of the laws applicable in the Zone.

## CHAPTER V

### SPECIAL ECONOMIC ZONE DEVELOPMENT COMMITTEE

**11. *Zone to be Industrial Township.***- (1) Every Zone, having regard to the municipal services proposed to be provided in the area of the Zone and such other factors, shall be deemed to be an industrial township area under the proviso to clause (1) of article 243Q of the Constitution of India.

(2) Notwithstanding anything contained in any other law for the time being in force, the area of Zone shall cease to be under the jurisdiction of any municipal corporation, municipal council, nagar panchayat or gram panchayat or the notified area constituted under the State laws.

**12. Special Economic Zone Development Committee.-** (1) There shall be a Special Economic Zone Development Committee consist of the following members, namely:-

- (i) Developer or his nominee;
- (ii) Development Commissioner of the Zone or his nominee;
- (iii) Nominee of the State Government.

(2) The Developer or his nominee shall be the Chairperson of the Development Committee.

(3) The Development Committee may invite representatives of Units, residents, service providers and other interested persons in the meeting of the committee.

(4) The Development Committee shall meet at such place and observe such rules of procedure for transaction of its business at the meeting as it may deem fit.

**13. Functions of Development Committee.-** The Development Committee shall perform the following functions in the manner as may be prescribed by the regulations, namely :-

- (1)
  - (a) prepare a plan for the development of the Zone in conformity with the guidelines prepared by the authority and to demarcate and develop sites for industrial, commercial, residential and for other purposes according to the plan;
  - (b) provide infrastructure facilities and amenities;
  - (c) allocate and transfer, either by way of sale or lease or otherwise, plots of land for industrial, commercial, residential or other purposes;
  - (d) regulate the construction of buildings.
- (2) Erection of substantial boundary marks defining the limits of or any alteration in limits of the Zone.
- (3) Ensuring that the Units and the residents have access to the following basic and essential infrastructure facilities and amenities, namely :-



- (i) public streets, bridges, sub-ways, culverts, causeways and the like;
  - (ii) public transportation facilities;
  - (iii) power supply;
  - (iv) water supply;
  - (v) adequate drains, drainage facilities and public latrines, water-closets, urinals and similar conveniences;
  - (vi) collection and treatment of sewerage;
  - (vii) collection, treatment and disposal of industrial and township solid waste;
  - (viii) lighting of public streets, municipal markets and other public buildings;
  - (ix) maintenance of public monuments, open spaces and other public property.
- (4) Ensuring that the Units and the residents have access to the following social infrastructure facilities and services in accordance with the growth of the Zone and requirements of the Units and the residents, namely :-
- (i) public hospitals and dispensaries;
  - (ii) ambulance service;
  - (iii) places for the disposal of the dead and disposing of unclaimed dead bodies;
  - (iv) public markets, slaughter houses;
  - (v) schools for primary, secondary and higher education;
  - (vi) maternity and infant welfare houses and centres;
  - (vii) public parks, gardens, playgrounds and recreational facilities;
  - (viii) police stations;
  - (ix) maintaining a fire-brigade equipped with suitable appliances for the extinction of fires and the protection of life and property against fire;
  - (x) any other social services.
- (5) Reclamation of unhealthy localities, the removal of noxious vegetation and the abatement of all nuisances.
- (6) Registration of marriages and births and deaths under the provisions of the Bombay Registration of Marriages Act, 1953 and the Registration of Birth and Deaths Act, 1969.

Bom. 1 of  
1892.

- (7) Conducting public vaccinations in accordance with the provisions of the Bombay District Vaccination Act, 1892.
- (8) Prevention and checking the spread of dangerous diseases.
- (9) Removal of unauthorised construction and encroachments.
- (10) Removal of obstructions and projections in or upon streets, bridges and other public places.
- (11) Naming or numbering of streets and of public places and the numbering of premises.
- (12) Determine the charges for infrastructural facilities, amenities and services provided by the Developer.
- (13) Monitoring town planning standards set by the Development Authority.
- (14) Such other functions as may be assigned by the Authority.

#### CHAPTER VI INFRASTRUCTURE FACILITIES

**14. *Infrastructure facilities and services.***- (1) It shall be the responsibility of the Developer of the Zone to develop, construct, install, operate, manage and maintain any or all of the following infrastructure facilities, amenities and services for the purposes of providing services in the Zone, namely :-

- (i) generation and supply of electricity;
- (ii) water extraction, treatment, transmission and distribution;
- (iii) waste water treatment and solid waste management;
- (iv) provision of minor port and related services;
- (v) provision of roads and bridges;
- (vi) provision for gas distribution network;
- (vii) provision for communication and data network transmission; and
- (viii) any other services as may be prescribed by the regulations.

(2) Subject to the regulations, the Developer may levy user charges or fees as may be approved by the Development Committee for providing infrastructural facilities, amenities and services referred to in sub-section (1) in such manner as may be prescribed by the regulations.

(3) For the provision of the products or services of infrastructure under this Ordinance, the relevant Acts, guidelines, rules and regulations prevalent in India shall be applicable for quality of the product or service and safety requirements.

Bom. 40 of  
1958.

**15. Supply electricity and exemption from duty:-** (1) Any person generating electricity in the Zone, may supply electricity to the Gujarat Electricity Board after obtaining the approval from the State Government and upon the terms and conditions agreed to by the supplier and the Board.

(2) The Unit located in the processing area of the Zone shall be exempted from the electricity duty under the Bombay Electricity Duty Act, 1958, for a period of ten years from the date of production in the case of manufacturing unit and from the date of supply of services in case of service unit.

**16. Water, road, gas and other facilities:-** (1) The Developer or his agent may set up systems and facilities for extraction, treatment, transmission and distribution of water within the Zone in conformity with applicable service standards.

(2) The Developer or his agent may set up systems and facilities for waste water and solid waste management and treatment in the Zone in conformity with applicable service standards.

(3) The Developer or his agent may develop, operate and maintain the road network, bridges, transportation services and any transportation system within the Zone and to levy toll or fee as may be approved by the Development Committee for providing such facility, in such manner as may be prescribed by the regulations.

(4) (a) Subject to the policy laid down by the Government regarding ports, the Developer or his agent may develop, operate and maintain a minor port within the Zone, for landing of goods for use in the Zone and for the shipping of goods from the Zone.

(b) The Developer or his agent shall manage for landing of other cargoes (not meant for the Zone) as per the terms and conditions prescribed by regulations by the Gujarat Maritime Board.

(c) The Developer or his agent may fix and collect tariff from the vessels entering in the minor port within the Zone and on the goods landed and shipped at the port in accordance with the directions of the Gujarat Maritime Board.

(5) The Developer or his agent may set up gas distribution system in the Zone.

## CHAPTER VII LABOUR

**17. Delegation of powers of Labour Commissioner to Development Commissioner:-** (1) Notwithstanding anything contained in the Acts specified in Schedule I, the powers, duties and functions conferred on

Commissioner of Labour or any officer under those Acts shall be exercised by the Development Commissioner or any officer authorised by him in this behalf.

(2) The State Government may, as and when considered necessary, by notification in the *Official Gazette*, amend Schedule I and thereupon Schedule I shall be deemed to have been amended accordingly :

Provided that when Schedule I is to be amended by adding an Act made by the Parliament, such amendment shall be made with the prior approval of the Government of India.

**18. Amendment of certain Acts.-** Each of the Acts specified in the second column of Schedule II shall be amended in the manner and to the extent specified against it in the third column thereof.

**19. Consolidated return under various laws.-** The Units in the Zone shall furnish the Consolidated Annual Report in the prescribed form to the Development Commissioner instead of periodical returns under the following Acts, namely :-

(i)	The Workmen's Compensation Act, 1923;	8 of 1923.
(ii)	The Payment of Wages Act, 1936;	4 of 1936.
(iii)	The Factories Act, 1948;	63 of 1948.
(iv)	The Minimum Wages Act, 1948;	11 of 1948.
(v)	The Maternity Benefit Act, 1961;	53 of 1961.
(vi)	The Payment of Bonus Act, 1965;	21 of 1965.
(vii)	The Contract Labour (Regulation and Abolition) Act, 1970; and	37 of 1970.
(viii)	such other Acts as the State Government may, by notification in the <i>Official Gazette</i> , specify :	

Provided that when any other Act made by the Parliament is to be specified by the State Government, it shall be specified with prior approval of the Government of India.

**20. Application of Chapter V-D of XIV of 1947 to Zone.-** The provisions of Chapter V-D of the Industrial Disputes Act, 1947 shall apply to the industrial establishments set up in the Zone. XIV of 1947.

## CHAPTER VIII FISCAL BENEFITS

**21. State Taxes and Levies.-** (1) All sales and transactions within the processing area of the Zone shall be exempt from all taxes, cess, duties, fees or any other levies under any State law to the extent specified below :

- (a) Stamp duty and registration fees payable on transfer of land meant for approved Units in the Zone.



- (b) Levy of Stamp duty and registration fees on loan agreements, credit deeds and mortgages executed by the Unit, industry or establishment set up in the processing area of the Zone.
  - (c) Sales Tax, Purchase Tax, Motor Spirit Tax, Luxury Tax, Entertainment Tax and other taxes and cess payable on sales and transactions.
- (2) Inputs (goods and services) made to Zone Units from Domestic Tariff Area shall be exempted from sales tax and other taxes under the State laws.
- (3) The Developer shall also be entitled to the benefits of exemption provided in sub-sections (1) and (2) for the entire Zone.

#### CHAPTER IX MISCELLANEOUS

22. *Overriding effect of the Ordinance.-* The provisions of this Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.

23. *Protection of action taken in good faith.-* No suit, prosecution or other legal proceeding shall lie against any person for anything which is done in good faith or intended to be done under this Ordinance or any rules or regulations made thereunder.

24. *Members and employees to be public servants.-* Every member of the Authority, the Development Commissioner and every officer and employee of the Authority shall, when acting or purporting to act in pursuance of the provisions of this Ordinance, or of any rule or regulation made thereunder, be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

25. *Power of State Government to make rules.-* (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to provide for all or any of the matters expressly required or allowed by this Ordinance to be prescribed by rules.

(3) All rules made under this section, shall be laid for not less than thirty days before the State Legislature as soon as possible after they are



made and shall be subject to the rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

**26. Power of Authority to make regulations.-** (1) The Authority may, with the previous approval of the State Government, by notification in the *Official Gazette*, make regulations not inconsistent with the Ordinance and the rules made thereunder, for enabling it to perform its functions under this Ordinance.

**27. Power to remove difficulties.-** (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Ordinance, as may appear to be necessary for removing the difficulty :

Provided that no such order shall be made after the expiry of three years from the commencement of this Ordinance.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before the State Legislature.

**SCHEDULE I**  
( See section 17 )

Sr. No.	Short title	
1	2	
1.	The Payment of Wages Act, 1936.	4 of 1936.
2.	The Industrial Employment (Standing Orders) Act, 1946.	20 of 1946.
3.	The Bombay Industrial Relations Act, 1946.	Bom. 11 of 1947.
4.	The Factories Act, 1948.	63 of 1948.
5.	The Minimum Wages Act, 1948.	11 of 1948.
6.	The Industrial Disputes Act, 1947.	14 of 1947.
7.	The Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955.	45 of 1955.
8.	The Maternity Benefit Act, 1961.	53 of 1961.
9.	The Payment of Bonus Act, 1965.	21 of 1965.
10.	The Beedi and Cigar Workers (Conditions of Employment) Act, 1966.	32 of 1966.
11.	The Contract Labour (Regulation and Abolition) Act, 1970.	37 of 1970.
12.	The Payment of Gratuity Act, 1972.	39 of 1972.
13.	The Equal Remuneration Act, 1976.	25 of 1976.
14.	The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.	30 of 1979.
15.	The Child Labour (Prohibition and Regulation) Act, 1986.	61 of 1986.
16.	The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.	1 of 1996.

**SCHEDULE II**  
( See section 18 )

Sr. No.	Name of Enactments	Extent of amendment
1	2	3
1.	The Bombay Industrial Relations Act, 1946 (Boni. 11 of 1947).	In section 2, after sub-section (4), the following sub-section shall be added, namely :-  "(5). The provisions of this Act shall not apply to the industry, unit or establishment set up in the Special Economic Zone declared as such by the Government of India."
2.	The Factories Act, 1948 ( 63 of 1948 ).	In section 66, in sub-section (1), after the proviso, the following proviso shall be added, namely :-  "Provided further that the State Government may, by notification in the <i>Official Gazette</i> , vary time limit laid down in clause (b) in respect of any factory situate in the Special Economic Zone declared as such by the Government of India, subject to the following conditions, namely:-  (a) The employer shall provide for free transport facilities to and fro from the residence to the place of work for women employees.  (b) The employer shall ensure security for women employees at place of work and during transportation.  (c) The employer shall provide facility for separate Crèches and rest rooms for women employees."

3. The Industrial Disputes Act, 1947 (14 of 1947).

In section 2, in clause (n), after sub-clause (v), the following clause shall be inserted, namely :-

"(va) Any service in the industry or establishment set up in the Special Economic Zone declared as such by the Government of India."
4. The Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970).

In section 2, in clause (e), in sub-clause (ii), after the words "carried on" the following words shall be inserted, namely :-

"other than the place or area of the Special Economic Zone declared as such by the Government of India."
5. The Trade Unions Act, 1926 (16 of 1926).

In section 22, after the first proviso, the following proviso shall be added, namely :-

"Provided further that all the office bearers of the registered trade unions of the industrial establishments situated in the Special Economic Zone declared as such by the Government of India shall be persons actually engaged or employed in an industry with which trade union is connected."



### STATEMENT

The Government of India has announced EXIM Policy relating to Special Economic Zone with a view to augmenting infrastructural facilities for export production. The Central Government has also offered various incentives and facilities to the Developer of the Zone as well as the industrial unit to be set up in the Zone. The concept of Special Economic Zone is to bring large dividends to the State in terms of economic and industrial development and the generation of new employment opportunities. The State Government has already declared its policy regarding the establishment of such Zones in the State. In order to achieve rapid economic growth to attract investment and to ensure systematic and integrated development of the industry in the State, it is considered necessary to enact a law for the establishment of the Special Economic Zone in the State.

With a view to secure planned development of the Special Economic Zone in the State, the development authority consisting of high ranking officers has been constituted. It is the responsibility of the developer of a Zone to develop, construct, install, operate, manage and maintain all the infrastructural facilities, amenities and services in the Zone.

In order to streamline the system and speedy clearance, the management of the Zone has been entrusted to the Development Commissioner. All the powers, duties and functions conferred on the Commissioner of Labour under various labour laws have been given to the Development Commissioner of the Zone. The single window system has been adopted for the Zone by way of providing a common application form for approval, clearance, licence, registration and no objection certificate under the various laws and to submit single return for two or more laws.

The Developer of the Zone has to provide facilities of water, road, bridges, gas distribution network etc. and the area of the Zone would be an industrial township.

With a view to attract the Industrialists and entrepreneur to establish industrial units in the Zone, the State Government has proposed to grant the various fiscal benefits. The unit which intends to set up captive power plant in the Zone has been exempt from payment of electricity duty for a period of ten years. The stamp duty and registration fee payable on transfer of land in the Zone has been exempted and there would be no registration fee or stamp duty leviable on loan agreement, credit deeds, mortgages executed by the unit in the processing area of Zone. The sales tax, purchase tax, motor spirit tax, luxury tax, entertainment tax and other taxes and cess payable on sales and transactions have also been exempted. The inputs made to Units from Domestic Tariff Area have also been exempted from

sales tax and other taxes under the State laws. In applying flexible labour policy in the Zone, certain labour laws enactments have been amended.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid object.

(11)

Gandhinagar,  
Dated the 10<sup>th</sup> February, 2004.

**KAILASH PATI MISHRA,**  
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**J.N.SINGH,**  
Principal Secretary to Government.

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



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# The Gujarat Government Gazette EXTRAORDINARY

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Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

## PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

### INDUSTRIES AND MINES DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 10<sup>th</sup> February, 2004.

GUJARAT ORDINANCE NO. 2 OF 2004.

## AN ORDINANCE

*further to amend the Industrial Disputes Act, 1947 in its application to the  
State of Gujarat.*

WHEREAS the Legislative Assembly of the State of Gujarat is not  
in session;

XIV of 1947.

AND WHEREAS the Governor of Gujarat is satisfied that  
circumstances exist which render it necessary for him to take immediate  
action to amend the Industrial Disputes Act, 1947 in its application to the  
State of Gujarat;

AND WHEREAS instructions of the President under the proviso to  
clause (1) of article 213 of the Constitution of India have been obtained;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :-

1. **Short title and commencement.-** (1) This Ordinance may be called the Industrial Disputes (Gujarat Amendment) Ordinance, 2004.

(2) It shall come into force at once.

2. **XIV of 1947 to be temporarily amended.-** During the period of operation of this Ordinance, the Industrial Disputes Act, 1947 in its application to the State of Gujarat (hereinafter referred to as "the principal Act"), shall have effect subject to the amendments specified in sections 3 and 4.

XIV of 1947.

3. **Amendment of section 2 of XIV of 1947.-** In the principal Act, in section 2, -

(1) in clause (k), the words and letters "but does not include the termination of the service of a workman in accordance with the provisions of Chapter V-D" shall be added at the end;

(2) in clause (oo), -

(i) in sub-clause (c), the word "or" shall be added at the end;

(ii) after sub-clause (c), the following sub-clause shall be added, namely :-

"(d) termination of the service of a workman in an industrial establishment situate in the Special Economic Zone declared as such by the Government of India;"

(3) after clause (q), the following clause shall be inserted, namely :-

"(qa) "termination" means discontinuation by the employer of the service of a workman in an industrial establishment situate in the Special Economic Zone declared as such by the Government of India for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include -

(a) voluntary retirement of the workman; or

(b) retirement of the workman on reaching the age of superannuation if the contract of employment



- between the employer and the workman concerned contains a stipulation in that behalf; or
- (c) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or
- (d) termination of the service of a workman on the ground of continued ill-health;".

4. **Insertion of new Chapter V-D in XIV of 1947.-** In the principal Act, after Chapter V-C, the following Chapter shall be inserted, namely :-

#### **"CHAPTER V-D**

25V. (1) The provisions of Chapters V-A and V-B shall not apply to an industrial establishment to which Chapter V-D applies.

**Special provisions  
for Special  
Economic Zone.**

(2) The provisions of this Chapter shall apply to an industrial establishment set up in the Special Economic Zone declared as such by the Government of India.

25W. For the purposes of this Chapter, -

**Definitions of  
continuous  
service.**

- (1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike, which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman;
- (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer -
- (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than -
- (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and
- (ii) two hundred and forty days, in any other case;

- (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than –
  - (i) ninety-five days, in case of a workman employed below ground in a mine; and
  - (ii) one hundred and twenty days, in any other case.

*Explanation.*— For the purposes of clause (2), the number of days on which a workman has actually worked under an employer shall include the days on which –

- (i) he has been laid off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946 or under this Ordinance or under any other law applicable to the industrial establishment;
- (ii) he has been on leave with full wages, earned in the previous year;
- (iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment; and
- (iv) in the case of a female, she has been on maternity leave; so however, that the total period of such maternity leave does not exceed twelve weeks.

20 of 1946.

**Right of  
workman laid  
off for  
compensation.**

**25X.** Whenever a workman (other than a *badli* workman or a casual workman) whose name is borne on the muster rolls of an industrial establishment and who has completed not less than one year of continuous service under an employer is laid off, whether continuously or intermittently, he shall be paid by the employer for all days during which he is so laid off, except for such weekly holidays as may intervene, compensation which shall be equal to fifty per cent. of the total of the basic wages and dearness allowance that would have been payable to him had he not been so laid off:

Provided that if during any period of twelve months, a workman is so laid off for more than forty-five days, no such compensation shall be payable in respect of any period of the lay off after the expiry of the first forty-five days:

Provided further that it shall be lawful for the employer in any case falling within the foregoing proviso to terminate the workman in accordance with the provisions contained in section 25ZA at any time after the expiry of the first forty-five days of the lay-off and when he does so, any compensation paid to the workman for having been laid off during the preceding twelve months may be set off against the compensation payable for termination.

*Explanation.*— "Badli workman" means a workman who is employed in an industrial establishment in the place of another workman whose name is borne on the muster-rolls of the establishment, but shall cease to be regarded as such for the purposes of this section, if he has completed one year of continuous service in the establishment.

25Y. Notwithstanding that workmen in any industrial establishment have been laid off, it shall be the duty of every employer to maintain for the purposes of this Chapter a muster roll, and to provide for the making of entries therein by workmen who may present themselves for work at the establishment at the appointed time during normal working hours.

Duty of employer to maintain muster rolls of workmen.

25Z. No compensation shall be paid to a workman who has been laid off –

Workman not entitled to compensation in certain cases.

- (i) if he refuses to accept any alternative employment in the same establishment from which he has been laid off, or in any other establishment belonging to the same employer situate in the same town or village or situate within a radius of five miles from the establishment to which he belongs, if, in the opinion of the employer, such alternative employment does not call for any special skill or previous experience and can be done by the workman, provided that the wages which would normally have been paid to the workman are offered for the alternative employment also;
- (ii) if he does not present himself for work at the establishment at the appointed time during normal working hours at least once a day;
- (iii) if such laying off is due to strike or slowing down of production on the part of workmen in another part of the establishment.

Conditions for termination of workman.

25ZA. (1) No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be terminated (otherwise than as a punishment inflicted by way of disciplinary action) by that employer until –



- (a) the workman has been given one month's notice in writing and the period of notice has expired, or the workman has been offered in lieu of such notice, wages for the period of the notice;
- (b) the workman has been paid compensation equivalent to forty-five days salary for every completed year of continuous service in such manner as may be prescribed.

(2) Where the workman has been insured through insurance policy by the employer for the social security to receive the compensation in the case of termination, equivalent to forty-five days salary for every completed year of continuous service, the employer, instead of making payment of compensation under clause (b) of sub-section (1), shall forward all the necessary documents of such workman to the Insurance Company within fifteen days after termination.

Compensation  
to workman in  
case of transfer  
of undertaking.

**25ZB.** Where the ownership or management of an undertaking is transferred, whether by agreement or by operation of law, from the employer in relation to that undertaking to a new employer, every workman who has been in continuous service for not less than one year in that undertaking immediately before such transfer shall be entitled to notice and compensation in accordance with the provisions of section 25ZA, as if the workman had been terminated:

Provided that nothing in this section shall apply to a workman in any case where there has been a change of employers by reason of the transfer, if-

- (a) the service of the workman has not been interrupted by such transfer;
- (b) the terms and conditions of service applicable to the workman after such transfer are not in any way less favourable to the workman than those applicable to him immediately before the transfer; and
- (c) the new employer is, under the terms of such transfer or otherwise, legally liable to pay to the workman, in the event of his termination, compensation on the basis that his service has been continuous and has not been interrupted by the transfer.

**25ZC.** An employer who intends to close down an undertaking, shall serve, at least sixty days before the date on which the intended closure is to become effective, a notice, in the prescribed manner, on the State Government stating clearly the reasons for the intended closure of the undertakings.

Sixty days notice  
to be given of  
intention to  
close down any  
undertaking.

**25ZD.** Where an undertaking is closed down for any reason whatsoever, every workman who has been in continuous service for not less than one year in that undertaking immediately before such closure shall be entitled to compensation in accordance with the provisions of section 25ZA, as if the workman had been terminated."

**Compensation  
to workman in  
case of closing  
down of  
undertaking.**

**STATEMENT**

The impact of liberalisation and globalisation on the industrial development has its positive features. The technology newly introduced has led to qualitative improvement in the products and thereby the exporters have been able to attract new markets. In order to facilitate the industries in the Special Economic Zone so as to ensure the qualitative products, it is necessary to have flexible labour policy in the manner that it becomes conducive for industrial development. It is, therefore, considered necessary to amend the Industrial Disputes Act, 1947. New Chapter V-D has been inserted in the Act besides defining the term "termination". The provisions of Chapter V-D would apply to the industrial establishments set up in the Special Economic Zone and the provisions of Chapter V-A and V-B of the Act would not apply to such industrial establishments. New sections 25W to 25ZD provide for definitions of continuous service of a workman, right of workman to get compensation in case of laid off, transfer of undertaking and in case of closing down of the undertaking. It has been provided that where services of a workman is to be terminated, one month's notice would require to be given and the compensation equivalent to 45 days salary for every completed year of continuous service would require to be paid. It has also been provided that in the case of closure of the undertaking, the employer shall require to give sixty days' notice to the State Government.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid object.

Gandhinagar,  
Dated the 10<sup>th</sup> February, 2004.

**KAILASHPATI MISHRA,**  
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**J.N.SINGH,**  
Principal Secretary to Government.



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# The Gujarat Government Gazette EXTRAORDINARY

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Vol. XLVI] FRIDAY, FEBRUARY 27, 2004/PHALGUNA 8, 1925

Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

## PART - IV

### Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 26th February, 2004 is hereby published for general information.

**S. S. PARMAR,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 2 OF 2004.

(First published, after having received the assent of the Governor in the "*Gujarat Government Gazette*", on the 27th February, 2004).

### AN ACT

further to amend the South Gujarat University Act, 1965 and  
the Kachchh University Act, 2003.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Universities Laws (Second Amendment) Act, 2003.
- (2) It shall come into force at once.

Short title and  
commencement.



- |   |  |                  |
|---|--|------------------|
| Amendment of long title.  | 2. In the South Gujarat University Act, 1965 (hereinafter referred to as "the principal Act"), in the long title, for the words "the South Gujarat University", the words "the Vir Narmad South Gujarat University" shall be substituted.  | Guj. 38 of 1965. |
| Amendment of section 1 of Guj. 38 of 1965.  | 3. In the principal Act, in section 1, in sub-section (1), for the words and figures "the South Gujarat University Act, 1965", the words and figures "the Vir Narmad South Gujarat University Act, 1965" shall be substituted.   |                  |
| Amendment of section 2 of Guj. 38 of 1965.  | 4. In the principal Act, in section 2, in clause (15), for the words "the South Gujarat University", the words "the Vir Narmad South Gujarat University" shall be substituted.   |                  |
| Amendment of section 3 of Guj. 38 of 1965.  | 5. In the principal Act, in section 3, in sub-section (1), for the words "The South Gujarat University", the words "The Vir Narmad South Gujarat University" shall be substituted.   |                  |
| Insertion of new section 60A in Guj. 38 of 1965.  | 6. In the principal Act, after section 60, the following new section shall be inserted, namely :-  |                  |
| Construction of references to South Gujarat University Act, 1965 and South Gujarat University in existing laws, instruments, etc. | <p>"60A. (1) As from the commencement of the Gujarat Universities Laws (Second Amendment) Act, 2003 (hereinafter referred to as "the said Act"), any reference in any existing law or instrument or document -</p> <p>(a) to the expression "the South Gujarat University Act, 1965" shall be construed as if it were a reference to "the Vir Narmad South Gujarat University Act, 1965", and</p> <p>(b) to the expression "the South Gujarat University" shall be construed as if it were a reference to "the Vir Narmad South Gujarat University".</p> <p>(2) Any act done by, or any suit or other proceeding filed by or against the South Gujarat University before the commencement of the said Act shall be deemed to have been done or, as the case may be, filed by or against the Vir Narmad South Gujarat University.</p> | Guj. 2 of 2004.  |

*Explanation.-* For the purpose of this section "existing law" means any enactment of a Legislature of any other competent authority in relation to matters specified in Lists II and III in the Seventh Schedule to the Constitution of India as in force in any part of the State of Gujarat immediately before the commencement of the said Act and includes any statute, ordinance, rule, bye-law, regulation, order, notification, scheme,

form or other instrument having the force of law made, prescribed or issued under any such enactment.”.

Guj. 5 of 2003.	7. In the Kachchh University Act, 2003, in the long title, for the words “the Kachchh University”, the words “the Krantiguru Shyamji Krishna Verma Kachchh University” shall be substituted.	Amendment of long title.
Guj. 5 of 2003.	8. In the Kachchh University Act, 2003, in section 1, in sub-section (1), for the words and figures “the Kachchh University Act, 2003”, the words and figures “the Krantiguru Shyamji Krishna Verma Kachchh University Act, 2003” shall be substituted.	Amendment of section 1 of Guj. 5 of 2003.
Guj. 5 of 2003.	9. In the Kachchh University Act, 2003, in section 2, in clause (17), for the words “the Kachchh University”, the words “the Krantiguru Shyamji Krishna Verma Kachchh University” shall be substituted.	Amendment of section 2 of Guj. 5 of 2003.
Guj. 5 of 2003.	10. In the Kachchh University Act, 2003, in section 3, in sub-section (1), for the words “Kachchh University”, the words “the Krantiguru Shyamji Krishna Verma Kachchh University” shall be substituted.	Amendment of section 3 of Guj. 5 of 2003.
Guj. 5 of 2003.	11. In the Kachchh University Act, 2003, after section 80, the following new section shall be inserted, namely :-	Insertion of new section 80A in Guj. 5 of 2003.
Construction of references to Kachchh University Act, 2003 and Kachchh University in existing laws, instruments, etc.	<p><b>“80A. (1) As from the commencement of the Gujarat Universities Laws (Second Amendment) Act, 2003 (hereinafter referred to as “the said Act”), any reference in any existing law or instrument or document –</b></p> <p>(a) to the expression “the Kachchh University Act, 2003” shall be construed as if it were a reference to “the Krantiguru Shyamji Krishna Verma Kachchh University Act, 2003”, and</p> <p>(b) to the expression “the Kachchh University” shall be construed as if it were a reference to “the Krantiguru Shyamji Krishna Verma Kachchh University”.</p> <p>(2) Any act done by, or any suit or other proceeding filed by or against the Kachchh University before the commencement of the said Act shall be deemed to have been done or, as the case may be, filed by or against the Krantiguru Shyamji Krishna Verma Kachchh University.</p>	Guj. 2 of 2004.

*Explanation.-* For the purpose of this section "existing law" means any enactment of a Legislature of any other competent authority in relation to matters specified in Lists II and III in the Seventh Schedule to the Constitution of India as in force in any part of the State of Gujarat immediately before the commencement of the said Act and includes any statute, ordinance, rule, bye-law, regulation, order, notification, scheme, form or other instrument having the force of law made, prescribed or issued under any such enactment."

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## EXTRAORDINARY

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### PART - IV

#### Bills introduced in the Gujarat Legislative Assembly.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 26th February, 2004 is hereby published for general information.

**S. S. PARMAR,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### GUJARAT ACT NO. 3 OF 2004.

(First published, after having received the assent of the Governor in the "*Gujarat Government Gazette*", on the 27th February, 2004).

#### AN ACT

to repeal the Bombay Betting Tax Act, 1925  
in its application to the State of Gujarat.

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :-

1. This Act may be called the Bombay Betting Tax (Gujarat Repeal) Act, 2004. Short title.

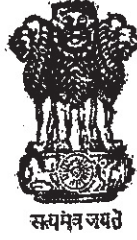
Bom. VI of  
1925.

2. (1) The Bombay Betting Tax Act, 1925 in its application to the State of Gujarat is hereby repealed. Repeal and savings.

Bom. I of  
1904.  
Bom. VI of  
1925.

(2) Notwithstanding such repeal, the provisions of section 7 of the Bombay General Clauses Act, 1904 shall apply in relation to the repeal of the Bombay Betting Tax Act, 1925 as if the Act had been an enactment within the meaning of the said section 7.





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## PART - IV

### Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 4<sup>th</sup> March, 2004 is hereby published for general information.

**S. S. PARMAR,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 4 OF 2004.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 6<sup>th</sup> March, 2004).

### AN ACT

to consolidate and amend the law relating to fees in the courts and public offices and fees taken in respect of certain matters in the State of Gujarat, other than fees falling under entries 77 and 96 of List I in the Seventh Schedule to the Constitution of India.

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :-

### CHAPTER I PRELIMINARY

1. (1) This Act may be called the Gujarat Court-fees Act, 2004.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
- (4) The provisions of this Act shall not apply to fees or stamps relating to documents presented or to be presented before any officer serving under the Central Government.
- (5) In the absence of any specific provision to the contrary, nothing in this Act shall affect any special law now in force relating to fees taken in the courts and public offices.

Short title, extent,  
commencement  
and application.

## Definitions.

2. In this Act, unless the context otherwise requires, -

- (a) "Chief Controlling Revenue Authority" means such officer, as the State Government may by notification in the *Official Gazette*, appoint in this behalf for the whole or any part of the State of Gujarat;
- (b) "Collector" includes any officer authorised by the Chief Controlling Revenue Authority to perform the functions of a Collector under this Act;
- (c) "Plaint" includes a written statement pleading a set off or counter claim.

## CHAPTER II COMPUTATION OF FEES

Levy of fees in High Court on its original side.

3. The fees payable for the time being to the clerks and officers (other than the sheriffs and attorneys) of the High Court;

or chargeable in that Court under Article 10 of the First Schedule, and Articles 11, 14, 17, 20 and 21 of the Second Schedule annexed to this Act;

shall be collected in the manner hereinafter appearing.

Fees on documents filed, etc. in courts or in public offices.

4. No document of any of the kinds specified as chargeable in the First or Second Schedule annexed to this Act shall be filed, exhibited or recorded in any Court of Justice, or shall be received or furnished by any public officer, unless in respect of such document there has been paid a fee of an amount not less than that indicated by either of the said Schedules as the proper fee for such document.

Procedure in case of difference as to necessity or amount of fee.

5. (1) When any difference arises between the officer whose duty is to see that any fee is paid under this Act and any suitor or attorney, as to the necessity of paying a fee or the amount thereof, the question shall, when the difference arises in the High Court, be referred to the taxing officer, whose decision thereon shall be final, subject to revision, on an application, made within sixty days from the date of the decision, by the suitor or attorney or pleader or such officer as may be appointed in this behalf by the State Government, by the Chief Justice or by such Judge of the High Court as the Chief Justice shall appoint either generally or specially in this behalf. The Chief Justice shall declare the taxing officer within the meaning of this sub-section.

(2) When any such difference arises in the Ahmedabad City Civil Court, the question shall be referred to the Registrar of the City Civil Court, whose decision shall be final, subject to revision, on an application, made within

sixty days from the date of the decision, by the party concerned or such officer as may be appointed in this behalf by the State Government, by the Principal Judge or such other Judge of the said Court as the Principal Judge shall appoint either generally or specially in this behalf.

(3) When such difference arises in any other Court, the question shall be referred to the Judge presiding over such Court for final decision.

6. The amount of fees payable under this Act in the suits next hereinafter mentioned shall be computed as follows :-

Computation of fees payable in certain suits.

(1) In suits for money (including suits for damages or compensation, or arrears of maintenance, of annuities or of other sums payable periodically) according to the amount claimed.

for money.

(2) In suits for maintenance (with or without a prayer for the creation of a charge), and for annuities or other sums payable periodically according to the value of the subject matter of the suit, and such value shall be deemed to be, in the case of a suit for maintenance, the amount claimed to be payable for one year and in any other case, ten times such amount:

for maintenance and annuities.

Provided that if in a suit for maintenance, the plaintiff obtains a decree for maintenance, the defendant shall be liable to make good the deficit, if any, between the fee payable on ten times the amount awarded for one year and the fee already paid by the plaintiff; and the amount of such deficit shall, without prejudice to any other mode of recovery, be recoverable as an arrear of land revenue.

(3) (a) In suits for movable property other than money, where the subject matter has a market value according to such value at the date of presenting the plaint;

for other movable property having a market value.

(b) in suits for declaration to obtain adjudication against recovery of money from the plaintiff, whether the recovery is as land revenue or arrears of land revenue or tax or duty or cess or fee or fine or penalty or under any decree or order of a court or any certificate or award other than under the Arbitration and Conciliation Act, 1996, or in any other manner, one-fourth of the *ad valorem* fee leviable on the amount sought to be recovered according to the scale prescribed under Article 1 of Schedule I with a minimum fee of thirty rupees :

against recovery of any money due as a tax, etc.

26 of 1996.

Provided that when in addition to any consequential relief other than possession is sought, the amount of fee shall be one-half of the *ad valorem* fee on the amount sought to be recovered :

Provided further that when the consequential reliefs sought also include a relief for possession, the amount of fee shall be the full *ad valorem* fee on the amount sought to be recovered;

similar claim in respect of movable property.

- (c) in suits for declaration similar to those falling under sub-clause (b) in respect of movable property, one-fourth of the *ad valorem* fee leviable on the value of the movable property subject to the minimum fee as under sub-clause (b) :

Provided that when in addition to any consequential relief other than possession is sought, the amount of fee shall be one-half of the *ad valorem* fee leviable on the value of such property :

Provided further that when the consequential reliefs also sought include a relief for possession, the amount of fee shall be the full *ad valorem* fee leviable on such value;

for status with monetary attribute.

- (d) in suits for declaration of the status of plaintiff, to which remuneration, honorarium, grant, salary, income, allowance or return is attached, one-fourth of the *ad valorem* fee leviable on the emoluments or value of return for one year :

Provided that when in addition to any consequential relief other than possession is sought, the amount of fee shall be one-half of the *ad valorem* fee on such emoluments or value of return :

Provided further that when the consequential reliefs sought also include a relief for possession, the amount of fee shall be the full of the *ad valorem* fee on such emoluments or value of return.

for ownership etc., for immovable property etc.

- (4) In suits for declaration in respect of ownership or nature of tenancy, title, tenure, right, lease, freedom, or exemption from, or non-liability to, attachment with or without sale or other attributes, of immovable property, such as a declaration that certain land is personal property of the Ruler of any former Indian State or public trust property or property of any class or community, one-fourth of the *ad valorem* fee leviable for a suit for possession on the basis of title of the subject matter, subject to a minimum fee of forty rupees:

Provided that if the question is of attachment with or without sale, the amount of fee shall be the *ad valorem* fee according to the



value of the property sought to be protected from attachment with or without sale or the fee of thirty rupees, whichever is less:

Provided further that, where the defendant is or claims under or through a limited owner, the amount of fee shall be one-sixth of such *ad valorem* fee, subject to the minimum fee specified above:

Provided also that, in any of the cases falling under this clause except its first proviso, when in addition to any consequential relief other than possession is sought, the amount of fee shall be one-half of the *ad valorem* fee and when the consequential relief sought also include a relief for possession, the amount of fee shall be the full *ad valorem* fee.

- (5) In suits for declaration of easement or right to benefit arising out of immovable property, with or without an injunction or other consequential relief, the amount of fee shall be as shown in the Table below:-

declaration for  
easements, etc.

**TABLE**

Area 1	Fee 2
(a) The area within the limits of the Municipal Corporation.	One-fourth of the <i>ad valorem</i> fee leviable for a suit for possession of the servient tenement or the dominant tenement, whichever is less subject to a minimum fee of thirty rupees.
(b) Area within the limits of Municipality.	One-sixth of the <i>ad valorem</i> fee leviable for a suit for possession of the servient tenement or the dominant tenement, whichever is less, subject to a minimum fee of thirty rupees.
(c) Any other area in the State of Gujarat.	Thirty rupees.

- (6) In suits for declaration of status to which no direct monetary attribute is attached such as a declaration that the plaintiff is a married husband or wife of the defendant or divorced husband or wife of the defendant or a declaration about legitimacy of children or about citizenship rights or about an adoption - Sixty rupees:

for other status  
without  
monetary  
attribute.

Provided that where injunction or other consequential relief is also sought in such case, the amount of fee shall be one hundred rupees.

for charge  
on  
property.

- (7) In suits for declaration of a charge in favour of the plaintiff on movable or immovable property, one-half of the *ad valorem* fee payable on the charge amount:

Provided that where injunction or other consequential relief is also sought in such cases, the amount of fee shall be the full *ad valorem* fee payable on the charge amount.

for periodical  
money returns.

- (8) In suits for declaration in respect of periodical charge or money return in favour of or against the plaintiff, one-half of the *ad valorem* fee payable on the charge for five years if the charge is annual and on the charge for one year if the period of the charge is less than one year.

for avoidance of  
sale, contract for  
sale, etc.

- (9) In suits for declaration that any sale or contract for sale or termination of the contract for sale of any moveable or immoveable property is void, one-half of the *ad valorem* fee leviable on the value of the property.

for avoidance of  
acquisition  
proceedings.

- (10) In suits for declaration that any proceedings for compulsory acquisition of any moveable or immoveable property are void, one-half of the *ad valorem* fee leviable on the value of the property.

for accounts.

- (11) In suits for a accounts according to the amount at which the relief sought is valued in the plaint or memorandum of appeal, subject to the provisions of section 8 and subject to a minimum fee of one hundred rupees.

for other  
declarations.

- (12) In suits where declaration is sought, with or without injunction or other consequential relief and the subject matter in dispute is not susceptible of monetary evaluation and which are not otherwise provided for by this Act - one hundred rupees,

In all suits under sub-clauses (b), (c) and (d) of clause (3) and clauses (4) to (11), the plaintiff shall state the amount at which he values the relief sought, with the reasons for the valuation.

for possession of  
lands, houses  
and gardens.

- (13) In suits for the possession of land, houses and gardens according to the value of the subject matter; and such value shall be deemed to be, where the subject matter is a house or garden according to the market value of the house or garden and where the subject matter is land, and



- (a) where the land is held on settlement for a period not exceeding thirty years and pays the full assessment to Government -- a sum equal to twenty times the survey assessment;
- (b) where the land is held on a permanent settlement, or on a settlement for any period exceeding thirty years, and pays the full assessment to Government -- a sum equal to forty times the survey assessment; and
- (c) where the whole or any part of the annual survey assessment is remitted a sum computed under sub-clause (a) or sub-clause (b), as the case may be, in addition to forty times the assessment, or the portion of assessment, so remitted .
- (14) In suits to enforce a right of pre-emption according to the value ( computed in accordance with the clause (13) ) of the land, house or garden in respect of which the right is claimed. to enforce a right of pre-emption.
- (15) In suits for partition and separate possession of a share of joint family property or of joint property, or to enforce a right to a share in any property on the ground that it is joint family property or joint property whether or not, the plaintiff is in actual or constructive possession of the property of which he claims to be a co-parcener or co-owner according to the value of the share in respect of which the suit is instituted. for share in joint property.
- Explanation.-* For the purposes of this clause, if the property in which a share is claimed consists of or includes any land assessed to land revenue for the purpose of agriculture; the value of such land shall be deemed to be the value as determined under clause (13).
- (16) In suits for the interest of an assignee of land revenue, thirty times his net profits as such for the year next before the date of presenting the plaint. for interest of assignee of land revenue.
- (17) In suits to set aside an attachment of land or of an interest in land or revenue - according to the amount for which the land or interest was attached: to set aside an attachment.
- Provided that where such amount exceeds the value of the land or interest, the amount of fee shall be computed as if the suit were for the possession of such land or interest.
- (18) In suits against a mortgagee for the recovery of the property mortgaged, and in suits by a mortgagee to foreclose the mortgage, to redeem.

or when the mortgage is made by conditional sale, to have the sale declared absolute -

according to the principal money expressed to be secured by the instrument of mortgage.

for specific  
performance.

(19) In suits for specific performance -

- (a) of a contract of sale -- according to the amount of the consideration,
- (b) of a contract of mortgage -- according to the amount agreed to be secured,
- (c) of a contract of lease -- according to the aggregate amount of the fine or premium (if any) and of the rent agreed to be paid during the first year of the term,
- (d) of an award -- according to the amount or value of the property in dispute.

between  
landlord  
and tenant.

(20) In the following suits between landlord and tenant -

- (a) for the delivery by a tenant of the counterpart of a lease,
- (b) to enhance the rent of a tenant having a right of occupancy,
- (c) for the delivery by a landlord of a lease,
- (d) for the recovery of immovable property from a tenant, including a tenant holding over after the determination of a tenancy,
- (e) to contest a notice of ejectment,
- (f) to recover the occupancy of immovable property from which a tenant has been illegally ejected by the landlord, and
- (g) for abatement of rent—

according to the amount of the rent of the immovable property to which the suit refers, payable for the year next before the date of presenting the plaint.

Fee on  
memorandum of  
appeal against order  
or award relating to  
compensation in  
certain cases.

7. (1) The amount of fee payable under this Act on a memorandum of appeal against an order having the force of a decree relating to compensation under any Act for the time being in force for the acquisition of land for public purposes shall be computed according to the difference between the amount awarded and the amount claimed by the appellant.

(2) The amount of fee payable under this Act on a memorandum of appeal against an award of a Claims Tribunal preferred under section 173 of the Motor Vehicles Act, 1988, shall be computed as follows:-



- (i) if such appeal is preferred by the insurer or owner of the motor vehicle, the full *ad valorem* fee leviable on the amount at which the relief is valued in the memorandum of appeal according to the scale prescribed under Article 1 of Schedule I;
- (ii) if such appeal is preferred by any other person – one-half of the *ad valorem* fee leviable on the amount at which the relief is valued in the memorandum of appeal according to the said scale:

Provided that if such person succeeds in the appeal, he shall be liable to make good the deficit, if any, between the full *ad valorem* fee payable on the relief awarded in the appeal according to the said scale and the fee already paid by him; and the amount of such deficit shall, without prejudice to any other mode of recovery, be recoverable as an arrear of land revenue.

8. If the Court is of opinion that the subject matter of any suit has been wrongly valued or if an application is made to the Court for the revision of any valuation made, the Court may determine the correct valuation by holding such inquiry as it thinks fit for such purpose, and revise the valuation.

Inquiry to  
valuation of  
suits.

9. (1) For the purpose of an inquiry under section 8, the Court may depute, or issue a commission to, any suitable person to make such local or other investigation as may be necessary and to report thereon to the Court. Such report and any evidence recorded by such person shall be evidence in the inquiry.

Investigation to  
ascertain proper  
valuation.

(2) The Court may, from time to time direct such party to the suit as it thinks fit to deposit such sum as the Court thinks reasonable as the costs of the inquiry, and if the costs are not deposited within such time as the Court shall fix may, notwithstanding anything contained in any other Act, reject the plaint or, as the case may be the appeal, if such party is the plaintiff or the appellant and, in any other case, may recover the costs as a public demand :

Provided that when any plaint or appeal is rejected under this section, the court-fees already paid shall not be liable to be refunded.

10. (1) The Court, when making an inquiry under section 8 and any person making an investigation under section 9 shall have respectively for the purposes of such inquiry or investigation, the powers vested in a Court under the Code of Civil Procedure, 1908, in respect of the following matters, namely:-

Power of  
persons making  
inquiry under  
sections 8 and 9.

- (a) enforcing the attendance of any person and examining him on oath or affirmation;
- (b) compelling the production of documents or material objects;
- (c) issuing commissions for the examination of witnesses;
- (d) taking or receiving evidence on affidavits.

(2) An inquiry or investigation referred to in sub-section (1) shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

45 of 1860.

Costs of inquiry as to valuation and refund of excess fee.

11. If in the result of an inquiry under section 8, the Court finds that the subject matter of the suit has been undervalued, the Court shall order the party responsible for the under valuation to pay the costs of the inquiry.

If in the result of such inquiry, the Court finds that the subject matter of the suit has not been undervalued, the Court may, in its discretion, order that such costs shall be paid by the Government or by any party to the suit at whose instance the inquiry has been undertaken and if any amount exceeding the proper amount of fee has been paid shall refund the excess amount so paid.

Appointment of inspecting officers and recovery in cases reported by them.

12. (1) The State Government may appoint generally, or in any case, or for any specified class of cases, in any local area, one or more officers to be called inspecting officers.

(2) The inspecting officer may, subject to the control of the Court concerned, examine the records of any case which is pending or has been disposed of, with a view to finding out whether proper fees have been paid therein.

(3) If on such examination, the inspecting officer finds that the fee payable under this Act, on any document filed, exhibited or recorded in such case, has not been paid or has been insufficiently paid, he shall report the fact to the presiding officer of the court.

(4) Such presiding officer, after satisfying himself of the correctness of such report, shall record a provisional finding that the proper fee has not been paid and determine the amount of the fee payable and such further sum as he thinks reasonable as the costs of the inquiry and the person from whom the fee or the difference thereof, if any, and the costs shall be recoverable.

(5) After recording the finding under sub-section (4), the presiding officer shall issue a notice to the person referred to in that sub-section to show cause as to why he should not be ordered to pay the fee and the costs determined thereunder, and if sufficient cause is not shown, the presiding officer shall confirm the finding and make an order requiring such person to pay the proper fee and the cost before a specified date.

(6) If such person fails to pay the fee and the costs in accordance with the provisions of sub-section (5), they shall, on the certificate of such presiding officer, be recoverable as an arrears of land revenue.

13. (1) In a suit or proceeding the difference, if any, between the fee actually paid and the fee which would have been payable, on delivery of judgment, be taxed by the court and shall be leviable from the plaintiff and if not paid by him within thirty days from the date of the judgment be recoverable according to the law and under the rules for the time being in force for the recovery of an arrears of land revenue.

Taxing of Court-fees and their recovery in suits for *mense profits* or amount.

(2) The Court shall send a copy of the decree or order or award passed in such suit to the Collector.

(3) No decree passed in any suit by the Court shall be executed, until a certificate to the effect that such difference is paid or recovered, signed by the Court which passed the decree or by the Collector who recovered the amount, is produced along with the application for such execution.

*Explanation.-* For the purpose of this section, "Plaintiff" includes any party to a suit to whom any profits or amount are or is found to be due.

14. (1) Every question relating to valuation for the purpose of determining the amount of any fee chargeable under this Chapter on a plaint or memorandum of appeal shall be decided by the Court in which such plaint or memorandum, as the case may be, is filed and such decision shall be final as between the parties to the suit.

Decision of questions as to valuation.

(2) But whenever any such suit comes before a Court of appeal, reference or revision, if such Court considers that the said question has been wrongly decided to the detriment of the revenue, it shall require the party, by whom such fee has been paid, to pay such additional fee as would have been payable had the question been rightly decided.

15. If an appeal or plaint, which has been rejected by the lower Court on any of the grounds mentioned in the Code of Civil Procedure, 1908, is ordered to be received, or if a suit is remanded in appeal, on any of the grounds mentioned in rule 23 of Order XLI in the First Schedule to the same Code for a second decision by the lower Court, the Appellate Court shall grant to the appellant a certificate, authorising him to receive back from the Collector, the full amount of fee paid on the memorandum of appeal :

Refund of fee paid on memorandum of appeal.

5 of 1908.

Provided that if, in the case of remand in appeal, the order of remand shall not cover the whole of the subject matter of the suit, the certificate so granted shall not authorise the appellant to receive back more than so much



fee as would have been originally payable on the part or parts of such subject matter in respect whereof the suit has been remanded.

Refund of fee  
on application  
or review of  
judgement.

16. Where an application for review of judgment is presented on or after the ninetieth day from the date of the decree, the Court, unless the delay was caused by the applicant's laches, may, in its discretion, grant him a certificate authorising him to receive back from the Collector so much of the fee paid on the application as exceeds the fee which would have been payable had it been presented before such day.

Refund where  
Court reverses  
or modifies its  
former decision  
on ground of  
mistake.

17. Where an application for a review of judgment is admitted, and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorising him to receive back from the Collector so much of the fee paid on the application as exceeds the fee payable on any other application to such Court under clause (c) or (f) of Article 1 of the Second Schedule annexed to this Act.

But nothing in the former part of this section shall entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.

Multifarious  
suits.

18. Where a suit embraces two or more distinct subjects, the plaint or memorandum of appeal shall be chargeable with the aggregate amount of the fees to which the plaints or memoranda of appeal in suits embracing separately each of such subjects would be liable under this Act.

Nothing in the former part of this section shall be deemed to affect the power conferred by the Code of Civil Procedure, 1908, Schedule I, Order II, rule 6. 5 of 1908.

Written  
examinations of  
complainants.

19. When the first or only examination of a person who complains of the offence of wrongful confinement, or of wrongful restraint, or of any offence other than an offence for which police officer may arrest without a warrant, and who has not already presented a petition on which a fee has been levied under this Act, is reduced to writing under the provisions of the Code of Criminal Procedure, 1973, the complainant shall pay a fee of ten rupees unless the court thinks fit to remit such payment. 2 of 1974.

Exemption of  
certain  
documents.

20. Nothing contained in this Act shall render the following documents chargeable with any fee-

- (i) Power-of-attorney to institute or defend a suit when executed by a member of any of the Armed Forces of the Union not in civil employment.



- (ii) Application for certified copies of documents or of any other purpose in the course of a criminal proceeding presented by or on behalf of the State Government to a criminal Court.
- (iii) Written statements called for by the Court after the first hearing of a suit.
- (iv) Probate of a will, letters of administration, and, save as regards debts and securities, a certificate under the Bombay Regulation VIII of 1827 or any corresponding law in force, where the amount or value of the property in respect of which the probate or letters or certificate shall be granted does not exceed one thousand rupees.
- (v) Application or petition to the Collector or other officer making a settlement of land revenue, or to a Board of Revenue, or a Commissioner of Revenue, relating to matters connected with the assessment of land or the ascertainment, of rights thereto or interest therein, if presented, previous to the final confirmation of such settlement.
- (vi) Application relating to supply for irrigation of water belonging to Government.
- (vii) Application for leave to extend cultivation, or to relinquish land, when presented to an officer of a land revenue by a person holding, under direct engagement with Government, land of which the revenue is settled, but not permanently.
- (viii) Application for service of notice of relinquishment of land or of enhancement of rent.
- (ix) Written authority to an agent to distrain.
- (x) Petition, application, charge or information respecting any offence when presented, made or laid to or before a police officer, or to or before the Heads of Villages or the village police.
- (xi) Petition by a prisoner, or other person in duress or under restraint of any Court or its officer.
- (xii) Complaint of a public servant (as defined in the Indian Penal Code), a municipal officer, or an officer or servant of a railway company.
- (xiii) Application for the payment of money due by the Government to the applicant.

- (xiv) Petition of appeal against any municipal tax.
- (xv) Applications for compensation under any law for the time being in force relating to the acquisition of property for public purposes, other than those chargeable under Article 15 of Schedule I.

### CHAPTER III

#### PROBATES, LETTERS OF ADMINISTRATION AND CERTIFICATES OF ADMINISTRATION

Relief where too  
high a court-fee  
has been paid.

21. Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of greater value than the same has afterwards proved to be, and has consequently paid too high a court-fee thereon, if, within six months after the true value of the property has been ascertained, such person produces the probate or letters to the Chief Controlling Revenue Authority for the local area in which the probate or letters has or have been granted,

and delivers to such Authority a particular inventory and valuation of the property of the deceased, verified by affidavit or affirmation,

and if such Authority is satisfied that a greater fee was paid on the probate or letters than the law required,

the said Authority may -

- (a) cancel the stamp on the probate or letters if such stamp has not been already cancelled;
- (b) substitute another stamp for denoting the court-fee which should have been paid thereon; and
- (c) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion.

Relief when  
debts due from a  
deceased person  
have been paid  
out of his estate.

22. Whenever it is proved to the satisfaction of such Authority that an executor or administrator has paid debts due from the deceased to such an amount as, being deducted out of the amounts or value of the estate reduces the same, to a sum which, if it had been the whole gross amount or value of the estate, would have occasioned a less court-fee to be paid on the probate or letters of administration granted in respect of such estate than has been actually paid thereon under this Act,

such Authority may return the difference, provided the same be claimed within three years after the date of such probate or letters of administration.

But when, by reason of any legal proceeding, the debts due from the deceased have not been ascertained and paid, or his effects have not been recovered and; made available, and in consequence, thereof the executor or administrator is prevented from claiming the return of such difference within the said term of three years, the said Authority may allow such further time for making the claim as may appear to be reasonable under the circumstances.

23. Whenever a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate and the full fee chargeable under this Act has been or is paid thereon, no fee shall be chargeable under the same Act when a like grant is made in respect of the whole or any part of the same property belonging to the same estate.

Relief in case of several grants.

Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Act shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.

24. The probate of the will or the letters of administration of the effects of any person deceased hereto before or hereafter granted shall be deemed valid and available by his executors or administrators for recovering, transferring or assigning any movable or immovable property whereof or whereto the deceased was possessed or entitled either wholly or partially as a trustee, notwithstanding the amount or value of such property is not included in the amount or value of the estate in respect of which a court-fee was paid on such probate or letters of administration.

Probates declared valid as to trust property though not covered by court-fees.

25. Where any person on applying for probate or letters of administration has estimated the estate of the deceased to be of less value than the same has afterwards proved to be, and has in consequence paid too low a court-fee thereon, the Chief Controlling Revenue Authority for the local area in which the probate or letters of administration has or have been granted may, on the value of the estate of the deceased being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full court-fee which ought to have been originally paid thereon in respect of such value and of the further penalty, if the probate or letters is or are produced within one year from the date of the grant, of five times, or, if it or they, is or are produced after one year from such date, of twenty times, such proper court-fee, without any deduction of the court-fee originally paid on such probate or letters of administration :

Provisions for case where too low a court-fee has been paid on probates, etc.

Provided that if the application be made within six months after the ascertainment of the true value of the estate and the discovery that too low a court-fee was at first paid on the probate or letters of administration, and if the said Authority is satisfied that such fee was paid in consequence of a

mistake or of its not being known at the time that some particular part of the estate belonged to the deceased, and without any intention of fraud or to delay the payment of the court-fee, the said Authority may remit the said penalty, and cause the probate or letters of administration to be duly stamped on payment only of the sum wanting to make up the fee which should have been at first paid thereon.

Administrator to give proper security before letters stamped under section 25.

26. In case of letter of administration on which too low a court-fee has been paid at first ; the said Authority shall not cause the same to be fully stamped in manner aforesaid until the administrator has given such security to the Court by which the letters of administration have been granted as ought by law to have been given on the granting thereof in case the full value of the estate of the deceased had been then ascertained.

Executors, etc. not paying full court-fee on probates, etc. within six months after discovery of under payment.

27. Where too low a court-fee has been paid on any probate or letters of administration in consequence of any mistake, or of its not being known at the time that some particular part of the estate belonged to the deceased, if any executor or administrator acting under such probate or letters of administration does not, within six months after the discovery of the mistake or of any effects not known at the time to have belonged to the deceased, apply to the said Authority and pay what is wanting to make up the court-fee which ought to have been paid at first on such probate or letters of administration, he shall forfeit the sum of one thousand rupees and also a further sum at the rate of ten rupees per cent. on the amount of the sum wanting to make up the proper court-fee.

Notice of applications for probate or letters of administration to be given to Revenue authorities, and procedure thereon.

28. (1) Where an application for probate or letters of administration is made to any Court other than the High Court, the Court shall cause notice of the application to be given to the Collector.

(2) Where such an application as aforesaid is made to the High Court, the High Court shall cause notice of the application to be given to the Chief Controlling Revenue Authority.

(3) The Collector within the local limits of whose revenue jurisdiction the property of the deceased or any part thereof is, may at any time inspect or cause to be inspected, and take or cause to be taken copies of, the record of any case in which application for probate or letters of administration has been made; and if, on such inspection or otherwise, he is of opinion that the petitioner has under-estimated the value of the property of the deceased, the Collector shall forward his report, giving therein his reasons for his opinion and his estimate of the true valuation, to the High Court or any other Court, as the case may be, serving at the same time a copy of his report on the petitioner.

(4) If within thirty days from the date of receipt of the copy of the Collector's report served on him under sub-section (3), the petitioner does not file in Court his objections to the Collector's valuation, the Court shall



make an order amending the petitioner's valuation, in accordance with the report of the Collector.

(5) If within the aforesaid period, the petitioner filed in Court his objection, the Court shall hold, or cause to be held, an inquiry in accordance with the provisions of sections 9, 10 and 11 as if the application were a suit and shall record the finding as to the true value, as near as may be, at which the property of the deceased should have been estimated. The Collector shall be deemed to be a party to the inquiry.

(6) The finding of the Court recorded under sub-section (5) shall be final, but shall not bar the entertainment and disposal by the Chief Controlling Revenue Authority of any application under section 25.

(7) The State Government may make rules for the guidance of Collector, in the exercise of the powers conferred by sub-section (3).

29. (1) No order entitling the petitioner to the grant of probate or letters of administration shall be made upon an application for such grant until the petitioner has filed in the Court a valuation of the property in the form set forth in the Third Schedule, and the Court is satisfied that the fee mentioned in Article 10 of the First Schedule has been paid on such valuation.

Payment of court-fee in respect of probate and letters of administration.

(2) The grant of probate or letters of administration shall not be delayed by reason of any report made by the Collector under sub-section (3) of section 28.

30. (1) Any excess fee found to be payable on an inquiry held under section 28 and any penalty or forfeiture under section 27, may, on the certificate of the Chief Controlling Revenue Authority, be recovered from the executor or administrator as if it were an arrear of land revenue by any Collector.

Recovery of penalties etc.

(2) The Chief Controlling Revenue Authority may remit the whole or any part of any such penalty or forfeiture as aforesaid, or any part of any penalty under section 25 or of any court-fee under section 25 in excess of the full court-fee which ought to have been paid.

31. Nothing in sections 4 and 40 shall apply to probates or letters of administration.

Sections 4 and 40 not to apply to probates or letters of administration.

## CHAPTER IV PROCESS FEES

Rules as to  
costs of  
process.

32. The High Court shall make rules as to the following matters -

- (i) the fees chargeable for serving and executing processes issued by such court in its appellate jurisdiction, and by the other Civil and Revenue Courts established within the local limits of such jurisdiction;
- (ii) the fees chargeable for serving and executing processes issued by the Criminal Courts, established within such limits in the case of offences other than offences for which police officers may arrest without a warrant ; and
- (iii) the remuneration of the peons and all other persons employed by leave of a Court in the service or execution of processes.

The High Court may from time to time alter and add to the rules so made.

Confirmations  
and  
publication of  
rules.

All such rules, alterations and additions shall, after being confirmed by the State Government, be published in the *Official Gazette*, and shall thereupon have the force of law.

Until such rules shall be so made and published, the fees now leviable for serving and executing processes shall continue to be levied and shall be deemed to be fees leviable under this Act.

Tables of  
process fees.

33. A table in the English and regional languages, showing the fees chargeable for such service and execution, shall be exposed to view in a conspicuous part of each court.

Number of  
peons in District  
and subordinate  
Courts.

34. Subject to the rules to be made by the High Court and approved by the State Government, every District Judge, the Principal Judge of the City Civil Court and every Magistrate of a District shall fix, and may from time to time alter, the number of peons or persons necessary to be employed for the service and execution of processes issued out of his Court, and each of the Courts subordinate thereto,

Number of  
peons in  
mofussil Small  
Cause Courts.

and for the purposes of this section, every Court of Small Causes established under the law shall be deemed to be subordinate to the Court of the District Judge.

35. Subject to rules to be framed by the Chief Controlling Revenue Authority and approved by the State Government, every officer performing the function of a Collector of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Courts or the Court subordinate to him.

Number of  
peons in  
Revenue  
Courts.

#### CHAPTER V MODE OF LEVYING FEES

36. All fees shall be charged and collected under this Act at the rate in force on the date on which the document chargeable to court-fees is or was presented.

Rate of fee in force  
on date of  
presentation of  
document to be  
applicable.

37. (1) All fees chargeable under this Act shall be collected by stamps.

Collection of fees  
by stamps.

(2) Notwithstanding anything contained in sub-section (1), where –

- (a) the State Government, in relation to any area in the State, or
- (b) the Collector, in relation to any area in the district under his charge, is satisfied that on account of temporary shortage of stamps in any area, fee cannot be paid, and payment of fee cannot be indicated on documents, by means of stamps, the State Government, or as the case may be, the Collector may by notification in the *Official Gazette*, direct that in such area and for such period as may be specified in such notification, the fee may be paid in cash in any Government treasury or sub-treasury, and the officer-in-charge of such treasury or sub-treasury shall, on production of a *challan* evidencing payment of fee in such treasury or sub-treasury, certify such payment by endorsement on the document in respect of which fee has been so paid, and state in the said endorsement the amount of the fee so paid.

(3) An endorsement made on any document under sub-section (2) shall have the same effect as if the fee of an amount equal to the amount stated in the endorsement had been paid in respect of, and such payment had been indicated on, such document by means of stamps under sub-section (1).

38. The stamps used to denote any fees chargeable under this Act shall be impressed or adhesive or partly impressed or partly adhesive, as the State Government may, by notification in the *Official Gazette*, from time to time, direct.

Stamps to be  
impressed or  
adhesive.

Powers of  
State  
Government  
to make rules.

39. The State Government may, from time to time make rules for regulating -

- (a) the supply of stamps to be used under this Act,
- (b) the number of stamps to be used for denoting any fee chargeable under this Act,
- (c) the renewal of damaged or spoiled stamps, and
- (d) the keeping accounts of all stamps used under this Act:

Provided that in the case of stamps used under section 3 in the High Court, such rules shall be made, with the concurrence of the Chief Justice of such Court.

All such rules shall be published in the *Official Gazette*, and shall thereupon have the force of law.

Stamping  
documents  
inadvertently  
received.

40. No documents which ought to bear stamp under this Act shall be of any validity, unless and until it is properly stamped.

But, if any such document is through mistake or inadvertence received, filed or used in any Court or office, without being properly stamped, the presiding Judge or the Head of the Office, as the case may be, or in the case of the High Court, any Judge of such Court, may, if he thinks fit, order that such document be stamped as he may direct; and, or such document being stamped accordingly, the same and every proceeding relative thereto shall be valid as if it had been properly stamped in the first instance.

Amended  
documents.

41. Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

Cancellation  
of stamps.

42. No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled.

Such officer as the Court or the head of office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure-head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.



**CHAPTER VI  
MISCELLANEOUS**

43. (1) When any suit in a Court is settled by agreement of parties before any evidence is recorded, or any appeal or cross objection is settled by agreement of parties before it is called on for effective hearing by the Court, half the amount of the fee paid by the plaintiff, appellant, or respondent on the plaint, appeal or cross objection, as the case may be, shall be repaid to him by the Court :

Repayment of  
fee in certain  
circumstances.

Provided that no such fee shall be repaid if the amount of fee paid does not exceed one hundred rupees or the claim for repayment is not made within one year from the date on which the suit, appeal or cross objection was settled by agreement.

(2) The State Government may, from time to time, by order, provide for repayment to the plaintiffs, appellants or respondents of any part of the fee paid by them on plaints, appeals or cross objections, in suits or appeals disposed of under such circumstances and subject to such conditions as may be specified in the order.

*Explanation.-* For the purpose of this section, effective hearing shall exclude the dates when the appeal is merely adjourned without being heard or argued.

44. Whenever the filing or exhibition in a Criminal Court of a document in respect of which the proper fee has not been paid is, in the opinion of the Presiding Judge, necessary to prevent a failure of justice, nothing contained in section 4 shall be deemed to prohibit such filing or exhibition.

Admission in  
criminal cases  
of documents  
for which  
proper fee has  
not been paid.

45. (1) The State Government may, from time to time make rules for regulating the sale of stamps to be used under this Act, the persons by whom alone such sale is to be conducted, and the duties and remuneration of such persons.

Sale of  
stamps.

(2) All such rules shall be published in the *Official Gazette*, and shall thereupon have the force of law.

(3) Any person appointed to sell stamps who disobeys any rules made under this section, and any person not so appointed who sells or offers for sale only stamp, shall, on conviction, be punished with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees or with both.

Power to  
reduce or  
remit fees.

46. The State Government may, from time to time, by notification in the *Official Gazette*, reduce or remit, in the whole or in any part of the territories under its administration all or any of the fees mentioned in the First and the Second Schedule annexed to this Act and may in like manner cancel or vary such order.

Saving of fees  
to certain  
officers of  
High Court.

47. Nothing in Chapters II and IV of this Act applies to the fees which any officer of the High Court is allowed to receive in addition to a fixed salary.

Saving as to  
stamp duties.

48. Nothing in this Act shall be deemed to affect the stamp duties chargeable under any other law for the time being in force relating to stamp duties.

Repeal and  
savings.

49. The Bombay Court-fees Act, 1959 in its application to the State of Gujarat, is hereby repealed :

Bom.  
XXXVI of  
1959.

Provided that such repeal shall not affect the previous operation of the law so repealed and anything done or any action taken (including any appointment, notification, rules, order, form, application, reference, notice report or certificate made or issued) under the law shall, in so far as this is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provision of this Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.

Amendment  
of Suits  
Valuation Act,  
1887.

50. In the Suits Valuation Act, 1887, in section 9, the words and figures "of the Court-fees Act, 1870 and" shall be deleted. 7 of 1887.

Rules made by  
Government  
to be laid  
before State  
Legislature.

51. (1) All the rules made under this Act, shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to the rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(2) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

**SCHEDULE I***Ad valorem fees*

Name of proceeding 1	Description 2	Fees 3
1. Complaint or memorandum of appeal (not otherwise provided for in this Act) or of cross objection presented to any Civil or Revenue Court.	When the amount or value of the subject matter in dispute does not exceed one hundred rupees.	Twenty rupees.
	When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to one thousand rupees.	Two rupees.
	When such amount or value exceeds one thousand rupees, for every hundred rupees, or part thereof, in excess of one thousand rupees, up to ten thousand rupees.	Twenty rupees.
	When such amount or value exceeds ten thousand rupees, for every one thousand rupees, or part thereof, in excess of ten thousand rupees, up to one lakh of rupees.	One hundred twenty rupees.
	When such amount or value exceeds one lakh of rupees, for every ten thousand rupees or part thereof in excess of one lakh of rupees:	Two hundred rupees.
	Provided that the maximum fee leviable on a complaint or memorandum of appeal or of cross objection shall be seventy-five thousand rupees.	
47 of 1963.	2. Complaint in a suit for possession under section 6 of the Specific Relief Act, 1963.	A fee of one-half of the amount prescribed in the scale under Article 1.
26 of 1996.	3. Complaint, application or petition (including memorandum of appeal) to set aside or modify any award otherwise than under the Arbitration and Conciliation Act, 1996.	A fee on the amount or value of the award sought to be set aside or modified

- |    |  |   |
|----|--|---|
|    |  | according to the scale prescribed under Article 1.  |
| 4  | Plaint, application or petition (including memorandum of appeal) which is capable of being treated as a suit, to set aside a decree or order having the force of a decree.   | .....<br>The same fee as is leviable on a plaint in a suit to obtain the relief granted in the decree or order, as the case may be. |
| 5. | Plaint in a suit, application or petition (including memorandum of appeal), to set aside alienation to which the plaintiff, applicant or appellant; as the case may be, was a party, either directly or through a legal guardian other than <i>de facto</i> or <i>ad hoc</i> guardian, manager or partner or Court.                        | .....<br>A fee on the extent of the value of alienation to be set aside, according to the scale prescribed under Article 1.         |
| 6. | Plaint in a suit (including memorandum of appeal) for possession between the guardian and ward, trustee and beneficiary, principal and agent, wife and husband, executor or administrator and beneficiary, receiver and owner of property and between persons having fiduciary relationship.   | .....<br>A fee of one-half of the amount prescribed in the scale under Article 1.   |
| 7. | Any other plaint, application or petition (including memorandum of appeal), to obtain substantive relief capable of being valued in terms of monetary gain or prevention of monetary loss, including cases wherein application or petition is either treated as a plaint or is described as the mode of obtaining the relief as aforesaid. | .....<br>A fee on the amount of the monetary gain or loss to be prevented, according to the scale prescribed under Article 1.       |



8. Application for review of judgement if presented on or after the ninetieth day from the date of the decree.

.....

The fee leviable on the plaint or memorandum of appeal.

9. Application for review of judgement if presented before the ninetieth day from the date of the decree.

.....

One-half of the fee leviable on the plaint or memorandum of appeal.

10. Probate of a will or letters of administration with or without will annexed.

When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, on the part of the amount or value in excess of one thousand rupees, upto fifty thousand rupees.

Two per cent.

When the amount or value of the property in respect of which the grant of probate or letters is made exceeds fifty thousand rupees, on the part of the amount or value in excess of fifty thousand rupees, upto two lakhs rupees.

Four per cent.

When the amount or value of the property in respect of which the grant of probate or letters is made exceeds two lakhs rupees, on the part of the amount or value in excess of two lakhs rupees, upto three lakhs rupees.

Six per cent.

When the amount or value of the property in respect of which the grant of probate or letters is made exceeds three lakhs rupees, on the part of the amount or value in excess of three lakhs rupees :

Seven and half per cent. subject to the maximum of seventy-five thousand rupees.

Provided that when, after the grant of a certificate under Part X of the Succession Act, 1925, or under the Bombay Regulation VIII of 1827 or any corresponding law for the time being in force, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of later grant shall be reduced by the amount of the fee paid in respect of the former grant.

11. Certificate under Part X of the  
Succession Act, 1925.

.....

39 of 1925.

The fee  
leviable in the  
case of a  
probate (Article  
10) on the  
amount or  
value of any  
debt or security  
specified in the  
certificate  
under section  
374 of the Act,  
and one and a  
half times this  
fee on the  
amount or  
value of any  
debt or security  
to which the  
certificate is  
extended under  
section 376 of  
the Act.

**Note.-** (1) The  
amount of a  
debt is its  
amount  
including  
interest on the  
day on which  
the inclusion of  
the debt in the  
certificate if  
applied for, so  
far as such  
amount can be  
ascertained.

(2) Whether or  
not any power  
with respect to  
a security  
specified in a  
certificate has  
been conferred  
under the Act;  
and where such  
a power has  
been so  
conferred,

whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security, or for both purposes, the value of the security is its market value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.

12. Certificate under Bombay Regulation VIII of 1827 or under any corresponding law in force.

.....

The fee leviable in the case of a probate (Article 10) on the amount or value of the property in respect of which the certificate is granted.

13. Complaint presented with an originating summons under the Rules of the High Court.

.....

The fee leviable on a complaint in suit for the same relief, subject to a minimum fee of sixty rupees.

- 1 of 1956. 14. Application to the Court under section 543 of the Companies Act, 1956.

.....

The fee leviable on a complaint in a suit for the same relief.

- |   |       |   |             |
|---|-------|---|-------------|
| 15. Application to the Collector for a reference to the Court under section 18 of the Land Acquisition Act, 1894.   | ..... | One-half of the <i>ad-valorem</i> fee on the difference, if any, between the amount awarded by the Collector and the amount claimed by the applicant, according to the scale prescribed under Article 1 of Schedule I, subject to a minimum fee of thirty rupees. | 1 of 1894.  |
| 16. Application or petition made by any assessee to the High Court under section 256 of the Income Tax Act, 1961.   | ..... | One-half of the <i>ad-valorem</i> fee leviable on the amount in dispute (namely, the difference between the amount actually assessed and the amount admitted by the assessee as assessable), subject to the minimum fee of one hundred rupees.                    | 43 of 1961. |
| 17. Application or petition made by any person (other than the Collector or the Commissioner) to the High Court under any provision of the sales tax law for the time being in force in any part of the State of Gujarat. | ..... | One-half of the <i>ad-valorem</i> fee leviable on the amount in dispute (namely, the difference between the amount actually assessed  |             |



and the amount  
admitted by  
the assessee as  
assessable),  
subject to the  
minimum fee  
of one hundred  
rupees.

Table of rates of *ad-valorem* fees leviable on the institution of suits.

When the amount of value of the subject matter exceeds	But does not exceed	Proper fee
1	2	3
Rs.	Rs.	Rs.
1	1000	10
1000	2000	200
2000	3000	300
3000	4000	400
4000	5000	500
5000	6000	600
6000	7000	700
7000	8000	800
8000	9000	900
9000	10000	1000
10000	15000	1250
15000	20000	1500
20000	21000	1525
21000	22000	1600
22000	23000	1675
23000	24000	1750
24000	25000	1825
25000	26000	1900
26000	27000	1975
27000	28000	2050
28000	29000	2125
29000	30000	2200
30000	32000	2375
32000	34000	2500
34000	36000	2650
36000	38000	2800
38000	40000	2950
40000	42000	3100

42000	44000	3250
44000	46000	3400
46000	48000	3550
48000	50000	3700
50000	55000	4000
55000	60000	4300
60000	65000	4600
65000	70000	4900
70000	75000	5200

and the fees increases at the rate of Rs. 150 for every Rs.5000 or part thereof, upto Rs.1,00,000 and over Rs.1,00,000 at the rate of Rs. 200 for every rupees 10,000 or part thereof, upto Rs. 10,00,000 and over Rs. 10,00,000 at the rate of Rs. 1,200 for every Rs.1,00,000 or part thereof, upto Rs.20,00,000 and over Rs.20,00,000 at the rate of Rs.500 for every Rs.1,00,000 or part thereof, upto a maximum fee of Rs.75,000, for example

Rs.	Rs.
100000	5950
200000	7950
300000	9950
400000	11950
500000	13950
600000	15950
700000	17950
800000	19950
900000	21950
1000000	23950
1100000	25150
1200000	26350
1300000	27550
1400000	28750
1500000	29950
1600000	31150
1700000	32350
1800000	33550
1900000	34750
2000000	35950
2100000	36450
2200000	36950

## SCHEDULE II

## Fixed Fees

Nature of proceeding 1	Description 2	Fees 3
1. Application or petition.	<p>(a) When presented to any officer of the Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject matter of such application relates exclusively to those dealings;</p> <p>or</p> <p>when presented to any officer of land-revenue by any person holding temporarily settled land under direct engagement with Government, and when the subject matter of the application or petition relates exclusively to such engagement;</p> <p>or</p> <p>when presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement;</p> <p>or</p> <p>when presented to any Civil Court other than a principal Civil Court of original jurisdiction; or to any Court of Small Causes or to a Collector or other officer of revenue or to a public officer in relation to any suit or case in which the amount of value of the subject matter is less than fifty rupees, not being an application for assistance under section 86 of the Bombay Land Revenue Code, 1879 or under any corresponding law for the time being in force;</p> <p>or</p> <p>when presented to any Civil, Criminal or Revenue Court, or to any Board or executive officer for the purpose of obtaining a copy of translation of any judgment, decree or order passed by such Court, Board or Officer, or of any other document on record in such Court or office.</p>	Three rupees

Bom. V of  
1879.

- (b) When presented to a Collector or other officer of revenue for assistance under section 86 of the Bombay Land Revenue Code, 1879 or under any corresponding law for the time being in force; Ten rupees.
- (c) When containing a complaint or charge of any offence and presented to any Criminal Court; Three rupees.
- or when presented to a Civil, Criminal or Revenue Court, or to a Collector or any Revenue Officer or to a public officer having jurisdiction equal or subordinate to be Collector, or to any Magistrate in his executive capacity and not otherwise provided for by this Act;
- or to deposit in court revenue or rent;
- or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant;
- (d) when presented to any competent authority for the purpose of obtaining a certificate of domicile; Ten rupees.
- (e) when presented to a Chief Controlling Revenue Authority or Executive Authority or to a Commissioner of Revenue or to any Chief Officer charged with the executive administration of a division and not otherwise provided for by this Act; Twenty-five rupees.
- (f) when presented to the High Court---
- (i) for directions, orders or writs under article 226 of the Constitution of India for any purpose other than the enforcement of the fundamental rights conferred by Part III thereof; One hundred rupees.
- (ii) for directions, orders or writs under article 226 for the

Bom. V  
of 1879.



enforcement of any of the fundamental rights conferred by Part III of the Constitution or for the exercise of its jurisdiction under article 227 thereof;

(iii) in any other case not otherwise provided for by this Act. Twenty rupees.

- 5 of 1908.
- |    |   |   |  |
|----|---|---|--|
| 2. | Revision application when presented to the High Court under section 115 of the Code of Civil Procedure, 1908 or against the order of the court of Small Causes.   | .....   | Fifty rupees.  |
| 3. | Application to any Civil Court that records may be called for from another Court.   | When the Court grants the application and is of opinion that the transmission of such records involves the use of the post. | Five rupees in addition to any fee levied on the application under clause (a), clause (c) or clause (f) of Article 1 of this Schedule. |
| 4. | First application (other than a petition containing a criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit not being an affidavit for the immediate purpose of being produced in Court. | .....   | Two rupees.  |
| 5. | Application for leave to sue as a pauper.   | .....   | Five rupees.   |

- |  |   |                |                                    |
|--|---|----------------|------------------------------------|
| 6. Application for leave to appeal as a pauper.  | (a) When presented to a District Court.                 | Ten rupees.    |                                    |
|  | (b) When presented to a Commissioner or the High Court. | Twenty rupees. |                                    |
| 7. Complaint or memorandum of appeal in a suit to obtain possession under the Mamlatdars' Courts Act, 1906.  | .....   | Ten rupees.    | Bom.<br>II of<br>1906.             |
| 8. Complaint or memorandum of appeal in a suit to establish or disprove a right of occupancy.  | .....   | Ten rupees.    |                                    |
| 9. Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1973, other than section 109 or 110 thereof or under the Code of Civil Procedure, 1908, and not otherwise provided for by this Act. | ...   | Five rupees.   | 2 of<br>1974.<br><br>5 of<br>1908. |
| 10. Bail-bonds in criminal cases, recognizance to prosecute and recognizances for personal appearance or otherwise.  | .....   | Two rupees.    |                                    |
| 11. Undertaking under section 49 of the Divorce Act, 1869.   | .....   | Five rupees.   | 4 of<br>1869.                      |

12. *Mukhtarnama* or *Wakalatnama*. When presented for the conduct of any one case,-
- (a) to any Civil or Criminal Court other than a District Court or Court of Session or the High Court or to any Revenue Court or to any Collector or Magistrate or other executive officer; Two rupees.
  - (b) to a District Court or Court of Session; Three rupees.
  - (c) to the High Court. Five rupees.
13. Memorandum of appeal when the appeal is not from a decree or an order having the force of a decree, and is presented -
- (a) to any Civil Court other than the High Court or to any Revenue Court or Executive Officer other than the High Court or Chief Controlling Revenue Authority or Executive Authority; Two rupees.
  - (b) to the Chief Controlling Executive or Revenue Authority; Five rupees.
  - (c) to the High Court. Ten rupees.
14. *Caveat*
- When the amount or value of the property involved does not exceed two thousand rupees. Twenty rupees.
- When the amount or value of the property involved exceeds two thousand rupees. Fifty rupees.
15. Application for permission to cut timber in Government forests, or otherwise relating to such forests. .... Five rupees.
16. Memorandum of appeal presented to -
- (a) the State Government, ..... Ten rupees.
  - (b) any Forest Officer, where such appeal is provided for, by or under the Forest Act, 1927 or any ..... Five rupees.

corresponding law in  
force.

- |     |  |   |                        |                |
|-----|--|---|------------------------|----------------|
| 17. | Petition in a suit<br>under the Converts'<br>Marriage Dissolution<br>Act, 1866.  | .....   | Fifty rupees           | 21 of<br>1866. |
| 18. | Application –  |   |                        |                |
|     | (a) under section<br>8 of the Arbitration<br>and Conciliation Act,<br>1996;  | ....  | One hundred<br>rupees. | 26 of<br>1996. |
|     | (b) for probate or<br>letters of<br>administration or for<br>revocation thereof<br>under the Succession<br>Act, 1925;  | When the amount or value of<br>the estate does not exceed<br>two thousand rupees. | Twenty<br>rupees.      | 39 of<br>1925. |
|     | (c) for a<br>certificate under Part<br>X of the Succession<br>Act, 1925, or Bombay<br>Regulation VIII of<br>1827 or any<br>corresponding law for<br>the time being in<br>force;    | When it exceeds two<br>thousand rupees,   | Forty rupees.          | 39 of<br>1925. |
|     | (d) for opinion or<br>advice or for<br>discharge from a<br>Trust, or for<br>appointment of new<br>trustees under section<br>34, 72, 73 or 74 of the<br>Indian Trusts Act,<br>1882; | .....   | Fifty rupees.          | 2 of<br>1882.  |
|     | (e) under rule 58<br>of Order XXI of the<br>Code of Civil<br>Procedure, 1908,<br>regarding a claim to<br>attached property.  | When the amount or value of the<br>property exceeds five hundred rupees.          | Fifty rupees.          | 5 of<br>1908.  |



- |  |  |       |   |
|--|--|-------|---|
| 5 of 1908.                               | 19. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908.  | ..... | Fifty rupees.   |
| 4 of 1869.                               | 20. Every petition under the Divorce Act, 1869, except petitions under section 44 of that Act and every memorandum of appeal under section 55 of that Act.                     | ..... | Fifty rupees.   |
| 3 of 1936.<br>43 of 1954.<br>25 of 1955. | 21. Complaint, application, petition, or memorandum of appeal under the Parsi Marriage and Divorce Act, 1936, the Special Marriage Act, 1954 or the Hindu Marriage Act, 1955 : | ....  | Fifty rupees.   |
|  | Provided that where in addition to divorce damages are claimed.  | ..... | A fee as above plus a fee on the amount of damages claimed according to the scale prescribed under Article 1 of Schedule I. |
| 15 of 1872.                              | 22. Petitions under sections 45 and 48 of the Christian Marriage Act, 1872.  | ..... | Fifty rupees.   |
|  | 23. Complaint, petition or application (including memorandum of appeal) which is capable of being treated as a suit –  |       |   |

- |     |   |   |  |
|-----|---|---|--|
| (a) | for annulment of marriage;  | .....   | Fifty rupees.                                      |
| (b) | for dissolution of marriage;  | .....   | Fifty rupees.                                      |
| (c) | in suit for custody of minor;   | .....   | Twenty rupees.                                     |
| (d) | for restitution of conjugal rights;   | .....   | Fifty rupees.                                      |
| (e) | for judicial separation ;   | .....   | Fifty rupees.                                      |
| (f) | in or to any Civil Court not otherwise provided for and the subject matter of which is not capable of being estimated in money value. | .....   | One hundred rupees.                                |
| 24. | Copy or translation of a judgement or order not being, or having the force, of a decree.  | When such judgement or order is given or made by any Civil Court or by any Revenue Court. | Two rupees.  |
|     |   | When such judgement or order is given or made by the High Court.                          | Five rupees.                                       |
| 25. | Copy of a decree or Order having the force of a decree.   | When such decree or order is made by any Civil Court or by any Revenue Court;             | Five rupees.                                       |
|     |   | When such decree or order is made by the District Court.                                  | Ten rupees.  |
|     |   | When such decree or order is made by the High Court.                                      | Fifteen rupees.                                    |
| 26. | Copy of any document (including power of attorney) liable to stamp duty under the Bombay Stamp Act, 1958, or the Stamp                | (a) When the stamp duty chargeable on the original does not exceed one rupee.             | The amount of the duty chargeable on the original. |
|     |   | (b) In any other case.  | Ten rupees.  |

- |                     |  |   |              |
|---------------------|--|---|--------------|
| 2 of<br>1899.       | Act, 1899 or any<br>corresponding law in<br>force, as the case<br>may be, when left by<br>any party to a suit or<br>proceeding in place<br>of the original<br>withdrawn.   |   |              |
|                     | 27. Copy of any revenue<br>or judicial<br>proceeding or order<br>not otherwise<br>provided for by this<br>Act, or copy of any<br>account, statement,<br>report or the like,<br>taken out of any<br>Civil or Criminal or<br>Revenue Court or<br>office, or from the<br>office of any Chief<br>Officer charged with<br>the executive<br>administration<br>of a division. | For every three hundred and sixty<br>words or fraction thereof. | Two rupees.  |
|                     | 28. Application made<br>under the Bombay<br>Money- lenders Act,<br>1946 or under any<br>corresponding law in<br>force.   | .....   | Ten rupees.  |
| Bom. 31 of<br>1947. | 29. Application presented<br>to any Registration<br>Officer for search of<br>registration records.   | ....  | Five rupees. |
|                     | 30. Appeal or application to<br>the Registrar under<br>section 72 or 73, as the<br>case may be, of the<br>Registration Act,<br>1908.   | .....   | Five rupees. |
| 16 of 1908.         |  |   |              |

31. Application for a licence under sub-clause (i) of clause (w) of sub-section(1) of section 33 of the Bombay Police Act, 1951, or any corresponding law in force. .... Five rupees. Bom. 22 of 1951.
32. Application or appeal to the Regional or State Transport Authority or the State Government under Chapter V of the Motor Vehicles Act, 1988. .... Ten rupees. 59 of 1988.
33. Election petition questioning the election of a person in respect of the office –
- (a) of *Sarpanch* or *Upa-Sarpanch* or member of a Panchayat; .... Fifty rupees.
- (b) of councilor or member of a Municipality, District Local Board or such other Local Authority; .... One hundred rupees.
- (c) of Mayor or Deputy Mayor or councilor of a Municipal Corporation or President, Vice-President, Chairman or Vice-Chairman or any local authority referred to in clause (b). .... Five hundred rupees.



1 of  
1956.

- |     |   |       |                     |
|-----|---|-------|---------------------|
| 34. | Application or petition to the Court under section 391, 439 or 522 of the Companies Act, 1956.  | ..... | One hundred rupees. |
| -   | Any other application or petition to the Court for judicial action or relief under the said Act, not otherwise provided for under this Act. | ..... | Fifty rupees.       |
| 35. | Application –   |       |                     |
| (a) | for order of arrest or attachment before judgement or for temporary injunction;   | ..... | Ten rupees.         |
| (b) | for compensation for arrest or attachment before judgement or in respect of temporary injunction obtained on insufficient grounds;          | ..... | Ten rupees.         |
| (c) | for the appointment of a receiver in a case in which the applicant has no present right of possession of the property in dispute;           | ..... | Ten rupees.         |
| (d) | for setting aside decree passed <i>ex- parte</i> or for review of order   | ..... | Ten rupees.         |

- dismissing  
suit for default.
36. Appeal or application to the Co-operative Tribunal. .... Twenty rupees.
37. Application made by a party to the Magistrate under section 145 of the Code of Criminal Procedure, 1973. .... Twenty rupees. 2 of 1974.
38. Application for enrolment under the Advocates Act, 1961. .... Twenty-five rupees. 25 of 1961.
39. Application for adjournment presented to the Court in any proceedings. .... Two rupees.

### SCHEDULE III

(See section 29)

*Form of valuation (to be used with such modifications, if any, as may be necessary).*

IN THE COURT OF  
RE-PROBATE of the Will of  
the property and credits of

(or Administration of  
,) deceased.

I,

solemnly affirm  
make oath

and say that I am the executor (or one of the executors or one of the next of kin) of ..... , deceased, and that I have truly set forth in Annexure A to this affidavit all the property and credit of which the above named deceased died possessed or was entitled to at the time of his death, and which have come, or are likely to come, to my hands.

2. I further say that I have also truly set forth in Annexure B all the items I am by law allowed to deduct.

3. I further say that the said assets, exclusive only of such last mentioned items but inclusive of all rents, interest, dividends and increased values since the date of the death of the said deceased, are under the value of -

### ANNEXURE A

#### VALUATION OF THE MOVEABLE AND IMMOVEABLE PROPERTY OF THE DECEASED

Cash in the house and at the banks,  
household goods, wearing apparel, books, .....  
plate, jewels, etc.

Rs. .

*(State estimated value according to best of  
Executor's or Administrator's belief).*

Property in Government securities transferable .....  
at the Public Debt Office.

*(State description and value at the price of  
the day; also the interest separately,  
calculating it to the time of making the application).*

Immoveable property consisting of .. .. .

*(State description, giving, in the case of  
houses the assessed value, if any, and  
the number of years' assessment the  
market-value is estimated at, and in  
the case of land, the area, the market  
-value and all rents that have accrued).*

Leasehold property .. .. .

*(If the deceased held any leases for years  
determinable, state the number of years'  
purchase the profit rents are estimated to  
be worth and the value of such, inserting  
separately arrears due at the date of death  
and all rents received or due since that date  
to the time of making the application).*

Property in public companies .. .. .

*(State the particulars and the value calculated at the price of the day; also the interest separately, calculating it to the time of making the application).*

Policy of insurance upon life, money out on mortgage and other securities, such as bonds, mortgages, bills, notes and other securities for money .. .. .

*(State the amount of the whole; also the interest separately, calculating it to the time of making the application).*

Books-debts .. .. .  
(other than bad).

Stock-in-trade .. .. .  
*(State the estimated value, if any).*

Other property not comprised under the foregoing heads  
*(State the estimated value, if any).*

Total :

Deduct amount shown in Annexure B not subject to duty

Net Total :

#### ANNEXURE B

#### SCHEDULE OF DEBTS, ETC.

Rs.

Amount of debts due and owing from the deceased, payable by law out of the estate .. .. .

Amount of funeral expenses .. .. .

Amount of mortgage incumbrances .. .. .

Property held in trust not beneficially or with general power to confer a beneficial interest .. .. .

Other property not subject to duty .. .. .

Total :





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Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

## PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented  
to by the Governor on the 4<sup>th</sup> March, 2004 is hereby published for general  
information.

S. S. PARMAR,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 5 OF 2004.

(First published, after having received the assent of the Governor in  
the "Gujarat Government Gazette", on the 6<sup>th</sup> March, 2004).

#### AN ACT

to establish and incorporate teaching and affiliating Universities for  
imparting education in agriculture and allied sciences in the State of  
Gujarat to be known as the Anand Agricultural University, the  
Junagadh Agricultural University, the Navsari Agricultural  
University and the Sardar Krushinagar Dantiwada  
Agricultural University.

It is hereby enacted in the Fifty-fifth Year of the Republic of  
India as follows:--

#### CHAPTER I PRELIMINARY

1. (1) This Act may be called the Gujarat Agricultural Universities  
Act, 2004.

Short title and  
commencement.

(2) This section shall come into force at once and the remaining  
provisions shall come into force on such date as the State Government  
may, by notification in the *Official Gazette*, appoint and different dates  
may be appointed for different provisions of the Act and any reference  
in any such provision to the date of the commencement of this Act shall  
be construed as the reference to the date of coming into force of that  
provision.

## Definitions.

2. In this Act, unless the context otherwise requires,-

- (1) "Academic Council" means the Academic Council of the University;
- (2) "agriculture" means the basic and applied sciences relating to soil and water management, crop production (including production of all garden crops and control of plants, pests and diseases), horticulture, animal husbandry including veterinary and dairy science, fisheries, forestry including farm forestry, land use and management and economics, co-operation, processing and marketing relating to agriculture;
- (3) "affiliated college" means a college affiliated under section 31;
- (4) "Board" means the Board of Management constituted under section 18;
- (5) "college" means—
  - (i) a constituent college of the University under the control and management of a principal, located in the University area; or
  - (ii) an affiliated college which is authorised to submit its students to an examination qualifying for any degree of the University;
- (6) "constituent college" means a University college.
- (7) "department" means a department designated as such by Statutes with reference to a subject or group of subjects;
- (8) "extension education" means the educational activities concerned with the training of farmers and homemakers and other groups serving agriculture, in improved agricultural practices and the various phases of scientific technology related to agriculture and agricultural production and marketing;
- (9) "Head of Department" means a teacher principally responsible for imparting education in agriculture and allied sciences or conducting and guiding research in agriculture or conducting and guiding programmes of extension education in a department;
- (10) "hostel" means a unit of residence for students maintained or recognised by the University;

- (11) "prescribed" means prescribed by Statutes;
- (12) "principal" means the Head of a college;
- (13) "recognised institution" means an institution for research in agriculture or extension education other than an affiliated college;
- (14) "registered graduate" means a graduate registered under the provisions of this Act;
- (15) "Statutes" and "Regulations" mean respectively the Statutes and Regulations of the University made under this Act;
- (16) "student of the University" means a person enrolled in the University for studying for a degree, diploma or other academic distinction;
- (17) "teachers" means professors, associate professors, assistant professors and such other persons imparting education in agriculture and allied sciences or conducting and guiding research in agriculture or conducting and guiding programmes of extension education;
- (18) "teachers of University" means teachers appointed or recognised by the University for imparting education in agriculture and allied sciences or conducting and guiding research in agriculture or conducting and guiding programmes of extension education;
- (19) "University" means the University constituted under section 3 of this Act;
- (20) "University area" means the area of the Anand Agricultural University, the Junagadh Agricultural University, the Navsari Agricultural University and the Sardar Krushinagar Dantiwada Agricultural University respectively specified in Part I, II, III and IV of Schedule I;
- (21) "University college" means a college which the University may establish or maintain under this Act;
- (22) "University Department" means any college or Department maintained by the University.

## CHAPTER II UNIVERSITIES

Incorporation of  
Universities.

3. (1)(a) The Chancellor, the first Vice-Chancellor and the first members of the Board of Management and the Academic Council of the Anand Agricultural University and all persons, who may hereafter become such officers or members so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "the Anand Agricultural University".

(b) The Chancellor, the first Vice-Chancellor and the first members of the Board of Management and the Academic Council of the Junagadh Agricultural University and all persons, who may hereafter become such officers or members so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "the Junagadh Agricultural University".

(c) The Chancellor, the first Vice-Chancellor and the first members of the Board of Management and the Academic Council of the Navsari Agricultural University and all persons, who may hereafter become such officers or members so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "the Navsari Agricultural University".

(d) The Chancellor, the first Vice-Chancellor and the first members of the Board of Management and the Academic Council of the Sardar Krushinagar Dantiwada Agricultural University and all persons, who may hereafter become such officers or members so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "the Sardar Krushinagar Dantiwada Agricultural University".

(2) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

(3) The University shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may vest in or be acquired by it for the purpose of the University, to raise loans on the securities of its assets and to contract and do all other things necessary for the purpose of this Act:

Provided that the power to raise any such loan shall be exercised after obtaining previous permission of the State Government.



(4) The headquarters of—

(a) the Anand Agricultural University shall be at Anand;

(b) the Junagadh Agricultural University shall be at Junagadh;

(c) the Navsari Agricultural University shall be at Navsari;  
and

(d) the Sardar Krushinagar Dantiwada Agricultural University shall be at Dantiwada.

4. (1) With respect to teaching of agriculture and allied sciences at the University or college level and research and extension education programme in the field of agriculture, the territorial jurisdiction and responsibility of the University shall extend to the University area. **Territorial jurisdiction.**

(2) The University may assume responsibility for the establishment and maintenance of all institutions imparting terminal training including training of field extension staff such as State agricultural schools, Gramsevak training centers and stockmen training classes, at all levels of education in agriculture.

(3) All colleges, research and experimental stations or other institutions coming under the jurisdiction and authority of the University shall consist of constituent units of the University under the management and control of the University.

(4) No educational institution imparting education in agriculture and allied sciences or conducting and guiding research in agriculture or conducting and guiding programmes of extension education and situate within the University area shall, save with the consent of the University and the sanction of the State Government, be associated in any way with, or seek admission to any of the privileges of, any other University established by law.

5. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on the grounds only of religion, race, creed, caste, language, sex, place of birth, class or profession of political or other opinion or any of them. **University open to all irrespective of sex, religion, class, creed or opinion.**

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to religious belief, race, creed, caste, language, sex, place of birth, class or profession of political or other opinion in order to entitle him to be admitted as a teacher or a student of the University or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to

enjoy or exercise any privileges of the University or any benefaction thereof.

(3) Subject to the provisions contained in sub-sections (1) and (2), the State Government may direct that the University shall reserve for any Socially and Educationally Backward Classes of citizens or for the Scheduled Castes or the Scheduled Tribes or for citizens from any other State in India, seats for the purposes of admission as students in any college:

Provided that nothing in this section shall require the University to admit to any course of study, students exceeding a prescribed number or possessing academic or other qualification lower than that prescribed.

**Powers of  
University.**

6. The University shall have the following powers, namely:--
  - (1) to provide for education and instruction in agriculture and allied sciences and in such other branches of learning as the University may deem fit;
  - (2) to make provision for research in agriculture and allied branches of learning;
  - (3) to make provision for dissemination of the findings of research and technical information through extension education programmes;
  - (4) to make such provision which would enable affiliated colleges and recognised institutions to undertake specialisation of studies;
  - (5) to institute degrees, diplomas and other academic distinctions;
  - (6) to lay down courses of study and instruction for various examinations;
  - (7) to hold examinations and confer degrees, diplomas and other academic distinctions and grant certificates to persons who—
    - (a) have pursued approved courses of study in the University or in a college unless exempted therefrom, in the manner prescribed and have passed the examinations prescribed by the University, or
    - (b) have carried on research under conditions prescribed;

- (8) to withdraw or cancel any degree, diploma or certificate conferred or granted by the University in such manner as may be prescribed;
- (9) to confer honorary degrees and other distinctions in the manner prescribed;
- (10) to provide lectures, instructions and training to persons who are not enrolled students of the University and to grant such certificates to them as may be prescribed;
- (11) to co-operate with any other University or authority in such manner and for such purpose as the University may determine;
- (12) to establish and maintain colleges for imparting education in agriculture and allied sciences;
- (13) to establish and maintain laboratories, libraries, research stations and institutions and museums for teaching, research and extension education;
- (14) to create such teaching, administrative and other posts as the University may deem necessary from time to time and make appointments thereto;
- (15) to institute and award fellowships, scholarships and prizes in accordance with the Statutes;
- (16) to associate or admit educational institutions imparting education in agriculture and allied sciences with, or to the privileges of the University by way of affiliation or recognition;
- (17) to withdraw or modify, either in whole or part, affiliation or recognition of educational institutions;
- (18) to inspect colleges and recognised institutions and to take measures to ensure that proper standards of instruction, teaching and training are maintained in them and that adequate library and laboratory provisions are made therein;
- (19) to lay down and regulate the salary scales, allowances and other conditions of service of the members of the teaching, other academic and non-teaching staff of the University;
- (20) to lay down and regulate the salary scales, allowances and other conditions of service of the members of the teaching, other academic and non-teaching staff in the affiliated colleges and recognised institutions;

- (21) (a) to control and co-ordinate the activities of, and to give financial aid to, affiliated colleges and recognised institutions; and
- (b) to regulate fees to be paid by the students in affiliated colleges and recognised institutions;
- (22) to institute and maintain residential accommodation for students and staff of the University;
- (23) to fix, demand and receive or recover such fees and other charges as may be prescribed;
- (24) to supervise, regulate and control the residence, conduct and discipline of the students of the University, and to make arrangements for promoting their health and general welfare;
- (25) to conduct, co-ordinate, supervise, regulate and control post-graduate teaching and research work in the University departments and affiliated colleges and recognised institutions;
- (26) to co-ordinate, supervise, regulate and control conduct of undergraduate teaching and instruction in the affiliated colleges and to undertake the same in University colleges;
- (27) to make special provision for agricultural education, research and extension in relation to arid areas and areas prone to scarcity in the University area;
- (28) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University.

**Inspection and inquiry.**

7. (1) The Chancellor shall have the right to cause an inspection to be made by such person or persons, as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipment of any institution, college or hostel maintained, recognised or approved by, the University, of the teaching and other work conducted by the University or under its auspices and of the conduct of examinations held by the University and to cause an inquiry to be made in respect of any matter connected with the University.

(2) The Chancellor shall, in every case inform the University, in writing, of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to be represented thereat.



(3) The Chancellor shall communicate to the University his views with reference to the results of such inspection or inquiry, and shall, after ascertaining the opinion thereon of the University, advise the University upon the action to be taken.

(4) (a) The University shall report to the Chancellor such action, if any, as it has taken or may propose to take on the advice tendered by the Chancellor.

(b) Such report shall be submitted with the opinion of the University thereon and within such time as the Chancellor may direct.

(5) Where the University does not, within a reasonable time, take action or takes action which is not satisfactory to the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the University, issue such directions as he may think fit and the University shall comply with such direction.

### CHAPTER III OFFICERS OF THE UNIVERSITY

8. The following shall be the officers of the University, namely:-

Officers of  
University.

- (i) the Chancellor,
- (ii) the Vice-Chancellor,
- (iii) the Director of Research and Dean of Post-graduate Studies,
- (iv) the Deans of Faculties,
- (v) the Director of Extension Education,
- (vi) the Registrar,
- (vii) the Accounts Officer,
- (viii) the Librarian, and
- (ix) such other officers in the service of the University as may be declared by the Statutes to be the officers of the University.

9. (1) The Governor of the State shall be the Chancellor of the University. Chancellor.

(2) The Chancellor shall, by virtue of his office, be the Head of the University and shall, when present, preside at any convocation of the University.

(3) Every proposal to confer an honorary degree shall be subject to the confirmation of the Chancellor.

(4) The Chancellor shall exercise such other powers as may be conferred on him by this Act or the Statutes.

- Vice-Chancellor. 10. (1) (a) The Vice-Chancellor shall be a whole time officer of the University and shall be appointed by the Chancellor in consultation with the State Government from amongst three persons recommended under sub-section (3) by a committee appointed for the purpose under sub-section (2).
- (b) A person, who possesses adequate knowledge in the subjects of agriculture and allied sciences and has not attained the age of more than sixty-five years on the date of appointment shall, subject to the provisions of sub-section (7), be eligible for being appointed as a Vice-Chancellor.
- (2) (a) For the purposes of sub-section (1), the Chancellor shall appoint a committee which shall consist of the following members, namely:--
- (i) two members (not being persons connected with the University or with any college) out of whom one shall be a person nominated in the manner prescribed by the Statutes by the Board of Management and the Academic Council jointly and the other shall be a person nominated in the manner prescribed by the Statutes by the Vice-Chancellors of all the Agricultural Universities established by law in the State of Gujarat;
- (ii) one member to be nominated by the Chancellor;
- (iii) one member to be nominated by the Indian Council of Agricultural Research.
- (b) The Chancellor shall appoint one of the four members of the committee as its Chairman.
- (3) The Committee so appointed shall, within such time and in such manner as may be prescribed by the Statutes, select three persons who possess the qualifications mentioned in clause (b) of sub-section (1) and who are not disqualified under sub-section (7) and whom it considers fit for being appointed as Vice-Chancellor and shall recommend to the Chancellor the names of the persons so selected together with such other particulars as may be prescribed by the Statutes.
- (4) The Vice-Chancellor shall hold office for a term of five years from the date he enters upon his office and shall not be eligible for reappointment to that office after the expiry of the term of his office:

Provided that—

- (a) no person appointed as the Vice-Chancellor shall continue to hold his office as such after he attains the age of sixty-five years;
  - (b) the Vice-Chancellor may, by writing under his hand addressed to the Chancellor, resign his office.
- (5) The emoluments and other terms and conditions of service of the Vice-Chancellor shall be such as may be prescribed and shall not be varied to his disadvantage during his tenure of office without his consent.
- (6) (a) During the leave or absence of the Vice-Chancellor, or
- (b) in the event of a vacancy in the office of the Vice-Chancellor, until an appointment is made under sub-section (1) to that office,
- the Director of Research and Dean of Post-graduate Studies or, in his absence, one of the Deans of Faculties nominated by the Chancellor for the purpose shall carry on the current duties of the office of the Vice-Chancellor.
- (7) A person shall be disqualified for being appointed as, or for being, a Vice-Chancellor—
- (i) if he is a Member of the Parliament or of any State Legislature or of any local authority, or
  - (ii) if he is a member of a political party, or
  - (iii) if he is or any time has been adjudged an insolvent or he has suspended payment of his debts or has compounded with his creditors, or
  - (iv) if he is of unsound mind or stands so declared by a competent court, or
  - (v) if he is or has been convicted of an offence, which in the opinion of the Chancellor, involves moral turpitude.
- (8) Notwithstanding anything contained in sub-section (4), the Chancellor may at any time remove the Vice-Chancellor from office if, in his opinion, the Vice-Chancellor —
- (a) is or has been subject to any of the disqualifications mentioned in sub-section (7), or
  - (b) has been guilty of misconduct in discharge of his duties, or

- (c) has become physically or mentally incapable of discharging his duties as a Vice-Chancellor, or
- (d) has abused his position as to render his continuance in office prejudicial to public interest, or
- (e) has, without reasonable cause, refused or failed to perform his duties for a period of not less than three months:

Provided that a Vice-Chancellor shall not be removed from his office unless an opportunity of being heard is given to him.

**Powers of  
Vice-Chancellor.**

11. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in absence of the Chancellor, preside at any convocation of the University. He shall be an *ex-officio* member and Chairman of the Board and of the Academic Council.
- (2) The Vice-Chancellor shall exercise general control over the affairs of the University and shall be responsible for the maintenance of discipline in the University.
- (3) (a) The Vice-Chancellor shall have power to convene meetings of the Board and the Academic Council.  
(b) He may delegate the power under clause (a) to any other officer of the University.
- (4) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, the Statutes and regulations are faithfully observed and he shall have all the powers necessary for the purpose.
- (5) The Vice-Chancellor shall be responsible for the presentation of the annual financial estimates and the annual accounts and balance sheet of the University to the Board.
- (6) (a) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, he shall take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officer, authority or body as would have in ordinary course dealt with the matter.  
(b) When action taken by the Vice-Chancellor under this sub-section affects any person in the service of the University, such person shall be entitled to prefer an appeal through the said officer, authority or body to the Board within one month from the date on which such action is communicated to him.



(7) The Vice-Chancellor shall give effect to the orders of the Board regarding the appointment, dismissal, suspension and punishment of officers, teachers and other employees of the University.

(8) The Vice-Chancellor shall be responsible for the proper administration of the University and for close co-ordination and integration of teaching, research and extension education.

(9) (a) Subject to the provisions contained in sub-section (6) and notwithstanding anything contained in sub-section (7), where the Vice-Chancellor, after making such inquiry as may be deemed fit, is of the opinion that the execution of any order or resolution of an authority specified in or declared under section 17 or the doing of anything which is about to be done or is being done by or on behalf of the University,-

(i) is inconsistent with the provisions of this Act or of any Statutes, or Regulations, or

(ii) is not in the interest of the University, or

(iii) is likely to lead to breach of peace,

he may forward a copy of the order or resolution or, as the case may be, refer the doing of the thing, with a statement of reasons, to the authority which made the order or passed the resolution or proposes to do the thing for reconsideration by that authority as to whether the said order or resolution may not be rescinded, or revised or modified in the manner stated by him or the doing of the thing be refrained from.

(b) Where the authority, after reconsideration, revises or modifies the order or the resolution in the manner stated by the Vice-Chancellor, then notwithstanding anything contained in clause (e), such revised or modified order or resolution shall revive from the date of such revision or modification.

(c) Where the authority revises or modifies the order or resolution in such manner as is inconsistent with the manner stated by the Vice-Chancellor, the Vice-Chancellor shall refer the matter to the Chancellor for his decision.

(d) The Chancellor may, on such reference being made, revise or modify the order or resolution or direct that the order or resolution shall continue to be in force with or without modification permanently or for such period as he may specify:

Provided that the order or resolution shall not be revised or modified or continued by the Chancellor without giving the concerned authority a reasonable opportunity of showing the cause against the order proposed to be made by him.

- (e) The order, resolution or, as the case may be, the doing of thing, shall remain in abeyance from the date of the action of the Vice-Chancellor of forwarding the copy of order or resolution or of making reference under clause (a) till the date of the order of the Chancellor under clause (d).

(10) The Vice-Chancellor shall exercise such other powers as may be prescribed.

**Director of  
Research and Dean  
of Post-graduate  
Studies.**

12. (1) The Director of Research and Dean of Post-graduate Studies shall be a whole time salaried officer of the University and shall be appointed by the Vice-Chancellor with the previous approval of the Board in accordance with the Statutes made in this behalf.

(2) The qualification, emoluments and the terms and conditions of service of the Director shall be such as may be prescribed.

(3) The Director shall exercise such powers and perform such duties as may be prescribed.

**Deans of  
Faculties.**

13. (1) There shall be a Dean of each Faculty who shall be chosen in such manner as may be prescribed.

(2) The Dean shall hold office for a term of three years and shall be eligible for being chosen to that office for a further term of three years.

(3) The Dean shall be the Chairman of the Board of Studies of the Faculty.

(4) The Dean of each Faculty shall be responsible for due observance of Statutes and Regulations relating to that Faculty.

(5) The Dean shall exercise such powers and perform such functions and duties as may be prescribed.

**Director of  
Extension  
Education.**

14. (1) The Director of Extension Education shall be a whole-time salaried officer of the University and shall be appointed by the Vice-Chancellor with the previous approval of the Board in accordance with the Statutes made in this behalf.

(2) The qualifications, emoluments and the terms and conditions of service of the Director shall be such as may be prescribed.

(3) The Director shall exercise such powers and perform such functions and duties as may be prescribed.

15. (1) The Registrar shall be a whole time salaried officer of the University and shall act as the Secretary of the Board and the Academic Council. Registrar.

(2) He shall be appointed by the Vice-Chancellor with the previous approval of the Board and his qualifications, emoluments and the terms and conditions of service shall be such as may be prescribed.

(3) He shall exercise such powers and perform such duties as may be prescribed by the Statutes and Regulations.

16. (1) The officers mentioned at items (vii) and (viii) and officers declared as such by the Statutes under item (ix) of section 8 shall be appointed by the Vice-Chancellor with the previous approval of the Board. Other officers.

(2) The qualifications, emoluments and the terms and conditions of service of the officers shall be such as may be determined by Statutes.

(3) The powers and duties of the officers shall be such as may be prescribed.

#### CHAPTER IV AUTHORITIES OF THE UNIVERSITY

17. The following shall be the authorities of the University, namely:- Authorities of the University.

- (1) the Board of Management,
- (2) the Academic Council,
- (3) the Faculties,
- (4) the Board of Studies of each Faculty including Board of Post-graduate Studies, and
- (5) such other bodies of the University as may be declared by the Statutes to be the authorities of the University.

18. (1) The Board of Management shall consist of the following members, namely:- Constitution of the Board of Management.

##### ***Class I - Ex-officio Members***

- (i) the Vice-Chancellor,
- (ii) the Secretary to the Government of Gujarat, Agriculture and Co-operation Department or an officer not below the rank of Deputy Secretary of that Department designated by the Secretary,

- (iii) the Secretary to the Government of Gujarat, Education Department, or an officer not below the rank of Deputy Secretary of that Department designated by the Secretary,
- (iv) the Secretary to the Government of Gujarat, Finance Department,
- (v) the Director of Agriculture, Gujarat State,
- (vi) the Director of Animal Husbandry, Gujarat State;
- (vii) the Director of Horticulture, Gujarat State; and
- (viii) one member nominated by the Vice-Chancellor by rotation in the prescribed manner from amongst the Deans of Faculties.

**Class II — Ordinary Members**

Five persons, not being officers, to be nominated as follows, namely:--

(a) to be nominated by the State Government,--

- (i) one Member of the Gujarat Legislative Assembly,
- (ii) two agricultural scientists having background of agricultural research or education,
- (iii) one farmer,

(b) one representative nominated by the Director General of Indian Council of Agricultural Research.

- (2) The Vice-Chancellor shall be the *ex-officio* Chairman of the Board.
- (3) The term of office of the nominated members shall be three years.
- (4) The nominated members of the Board shall be entitled to such daily and travelling allowances as may be prescribed.



19. (1) The Board shall, on a date and a place fixed by the Vice-Chancellor, hold its meeting: **Meetings of Board.**

Provided that the Vice-Chancellor shall fix a date and a place for the meeting of the Board at least once every two months.

- (2) One-third of the members of the Board shall constitute a quorum for the transaction of its business at the meeting.

- (3) (a) The Board may, for the purpose of consultation, invite any person having experience or special knowledge on a subject under its consideration to attend its meeting.

(b) A person invited under clause (a) shall have the right to speak in and otherwise to take part in the proceedings of the meeting, but shall not be entitled to vote at such meeting.

(c) A person invited under clause (a) shall be entitled to such allowance for attending the meeting as may be prescribed.

20. (1) The Board shall exercise the following powers and perform the following functions, namely:-- **Powers and functions of Board.**

- (i) to consider and decide the matters of general policy relating to the progress and development of the University;
- (ii) to suggest steps to be taken by the authorities of the University in pursuance of the policy decided by the Board;
- (iii) to hold, control and administer the property and funds of the University;
- (iv) to enter into, vary, carry out and cancel contracts on behalf of the University in exercise or performance of the powers and functions assigned to it by or under this Act or the Statutes;
- (v) to determine the form, and provide for the custody of and to regulate the use, of the common seal of the University;
- (vi) to administer the funds placed at the disposal of the University for specific purposes;
- (vii) to arrange for the investment and withdrawal of funds of the University;

- (viii) to borrow money for capital improvements and to make suitable arrangements for its repayment;
- (ix) to approve the annual accounts and the annual financial estimates of the University;
- (x) to make provision for buildings, premises, furniture, apparatus and other means needed for carrying on the work of the University;
- (xi) to accept, on behalf of the University, bequests, donations and transfers of any movable and immovable property to the University;
- (xii) to transfer any movable or immovable property on behalf of the University;
- (xiii) to manage and regulate the finances, accounts and investments of the University;
- (xiv) to establish, manage and maintain colleges, departments, institutes of research, experimental farms, laboratories, libraries, hostels and such other facilities necessary for carrying out the purposes of this Act;
- (xv) to affiliate colleges or recognise institutions of research in agriculture or extension education as may be provided by Statutes;
- (xvi) to arrange for, and to direct, the inspection of affiliated colleges, recognised institutions and hostels, to issue instructions for maintaining their efficiency and for ensuring proper conditions of employment including salary scales and allowances for the members of their teaching, other academic and non-teaching staff;
- (xvii) (a) to withdraw, either in whole or in part, or to modify the rights conferred on a college by affiliation or on an institution by recognition, and  
(b) to recommend to the State Government withdrawal or reduction of a grant of a college which makes default in carrying out the conditions of affiliation;
- (xviii) (a) to control and co-ordinate the activities of and to give financial aid to, affiliated colleges and recognised institutions, and

- (b) to regulate fees to be paid by the students in affiliated colleges and recognised institutions;
- (xix) to call for reports, returns and other information from colleges, recognised institutions or hostels;
- (xx) to recognise a member of the staff of an affiliated college or recognised institution as a professor, reader, lecturer or teacher of the University and to withdraw such recognition;
- (xxi) to make such provision as to enable affiliated colleges and recognised institutions to undertake specialisation of studies;
- (xxii) to lay down and regulate the salary scales, allowances and conditions of service of officers, members of the teaching, other academic and non-teaching staff of the University;
- (xxiii) to lay down and regulate the salary scales, allowances and conditions of service of the members of teaching, other academic and non-teaching staff of affiliated colleges, constituent colleges and recognised institutions;
- (xxiv) to supervise and control the residence, conduct and discipline of the students of affiliated colleges, constituent colleges, University departments and recognised institutions and to make arrangements for promoting their health and general welfare and to take disciplinary action against the students;
- (xxv) to institute and award fellowships and scholarships, studentships, medals, prizes and other awards;
- (xxvi) to institute and confer or grant degrees, diplomas and other academic distinctions;
- (xxvii) to appoint officers, teachers and other staff of the University in the prescribed manner;
- (xxviii) to promote post-graduate teaching, research and extension education;
- (xxix) to make provision for instruction, teaching and training in such branches of learning and courses of study as may be determined by the Academic Council, for research and for the advancement and dissemination of knowledge;

- (xxx) to fix, demand and receive such fees and other charges as may be prescribed;
- (xxxi) to make provision relating to use of Gujarati as medium of instruction and examination;
- (xxxii) to make, amend or repeal Statutes;
- (xxxiii) to exercise such other powers and perform such other functions as may be conferred or imposed on it by or under this Act, Statutes and Regulations and
- (xxxiv) to exercise all powers of the University not otherwise provided for in this Act or the Statutes and all other powers which are requisite to give effect to the provisions of this Act or the Statutes.

(2) The powers and functions under clauses (xv) to (xvii), (xx), (xxi), (xxv), (xxvi), (xxvii), (xxix) and (xxxii) of sub-section (1) shall not be exercised or performed by the Board except upon the recommendation made by the Academic Council.

(3) The exercise of the powers by the Board under clauses (xxii) and (xxiii) of sub-section (1) in so far as they relate to the laying down and regulating salary scales and allowances of officers, members of the teaching, other academic and non-teaching staff of the University, constituent college, affiliated college and recognised institution shall be subject to the approval of the State Government.

(4) The Board may, by Statutes, appoint committees to carry out its administrative work and define their constitution, functions and tenures.

Academic  
Council.

21. (1) The Academic Council shall consist of the following members, namely:--

- (i) the Vice-Chancellor, *ex-officio*,
- (ii) the Director of Research and Dean of Post-graduate Studies, *ex-officio*,
- (iii) the Deans of Faculties, *ex-officio*,
- (iv) the Director of Extension Education, *ex-officio*,
- (v) six members nominated by the Vice-Chancellor by rotation in the prescribed manner from amongst the Heads of Departments of the Faculties and the research scientists of the University.



(2) As soon as the Academic Council is constituted under sub-section (1), it may co-opt for such period as may be prescribed as its additional members not more than ten persons representing different disciplines of agriculture and allied sciences irrespective of whether they are connected with the University as its members, teachers or otherwise.

(3) The term of office of the members of the Academic Council other than *ex-officio* members shall be three years.

22. (1) The Academic Council shall have the control and general regulation of, and be responsible for, maintenance of the standards of teaching and examinations of the University.

**Powers and duties  
of Academic  
Council.**

(2) Without prejudice to the generality of the foregoing provision and subject to such conditions as may be prescribed by or under the provisions of this Act, the Academic Council shall exercise the following powers and perform the following duties, namely:--

- (i) to make proposals for establishment of University departments of teaching, research and extension education, libraries and laboratories;
- (ii) to recommend to the Board the institution of Departments and Faculties;
- (iii) to make proposals for the institution of professorships, Associate Professorships, Assistant Professorships and any other posts of teachers required by the University and for prescribing the duties of the persons occupying such posts;
- (iv) to make regulations relating to admission of students to the University and the number of students to be admitted;
- (v) to arrange for co-ordination of studies and teaching in affiliated colleges and recognised institutions;
- (vi) to approve regulations prescribing the manner of granting exemption in approved courses of studies in the University or in affiliated colleges for qualifying for degrees, diplomas and certificates;
- (vii) to recommend to the Board the affiliation of a college and recognition of an institution;
- (viii) to make regulations relating to the courses of study leading to degrees, diplomas, certificates and other academic distinctions;
- (ix) to make regulations relating to the conduct of examinations;

- (x) to make proposals for allocating subjects to a Faculty;
- (xi) to make proposals for post-graduate teaching, research and extension education;
- (xii) to recommend qualifications to be prescribed for teaching, research and extension staff in the University;
- (xiii) to make regulations regarding examinations of the University and the conditions on which the students shall be admitted to them;
- (xiv) generally to advise the University on all academic matters; and
- (xv) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act and Statutes.

**Faculties.**

23. (1) The University shall include Faculties of agriculture and allied sciences and such other Faculties as may be prescribed.

(2) Each Faculty shall comprise of such subjects as may be prescribed.

(3) The constitution, powers and duties of the Faculties referred to in sub-section (1) shall be such as may be prescribed.

**Board of Studies.**

24. (1) There shall be a Board of Studies for every subject or group of subjects as may be prescribed.

(2) The constitution of each Board and the term of office of its members shall be such as may be prescribed.

(3) Each Board shall exercise such powers and perform such duties as may be prescribed.

## CHAPTER V

### COUNCIL OF STATE AGRICULTURAL UNIVERSITIES

**Council of State Agricultural Universities.**

25. (1) There shall be a Council of State Agricultural Universities consisting of the following members, namely:--

- (a) the Minister for Agriculture, Government of Gujarat, *ex-officio*,

- (b) the Secretary to the Government of Gujarat, General Administration Department, *ex-officio*,
- (c) the Secretary to the Government of Gujarat, Finance Department, *ex-officio*,
- (d) the Secretary to the Government of Gujarat, Agriculture and Co-operation Department, *ex-officio*,
- (e) the Vice-Chancellor of each of the Universities, *ex-officio*,
- (f) the Director of Agriculture, Gujarat State, *ex-officio*,
- (g) the Director of Animal Husbandry, Gujarat State, *ex-officio*,
- (h) the Director of Horticulture, Gujarat State, *ex-officio*:

Provided that when a proclamation made under article 356 of the Constitution is in force in the State, the Central Government may appoint one person in place of the Minister for Agriculture to be the Chairman and the person so appointed shall vacate his office upon the revocation or cesser of operation of such proclamation.

- (2) (a) The Minister shall be the Chairman of the Council and shall preside over its meetings:

Provided that when the Minister is unable to preside over any meeting, he may nominate the Deputy Minister for Agriculture to preside over the meeting.

- (b) The Joint Secretary or the Deputy Secretary to the Government of Gujarat, Agriculture and Co-operation Department, in-charge of the subject matter of Agricultural Universities, shall be the Member-Secretary of the Council.
- (3) The Headquarters of the Council shall be at Gandhinagar.
- (4) The Council shall meet at least twice in a year.
- (5) Subject to sub-section (4), the Council shall meet at such time and such place as the Chairman may appoint in this behalf and observe such rules of procedure in regard to transaction of its business at its meetings as may be determined by it.
- (6) Four members shall form a quorum and all questions at a meeting of the Council shall be decided by a majority of the members present and voting.



(7) The Council shall perform the following functions, namely:--

- (a) to review the functioning of the Universities twice in a year and make a report to the State Government and the Chancellor,
- (b) to advise the State Government on any matter relating to functioning of the Universities on a reference made to it in that behalf by the State Government,
- (c) to assess the requirement of finance by the Universities and recommend the grants to be given to the Universities by the State Government,
- (d) to review the annual plan of activities and annual financial estimates of the Universities before they are passed by the Boards of the Universities,
- (e) to assess requirements of Universities of having new faculties, disciplines or departments,
- (f) to co-ordinate education in agriculture and allied sciences imparted by the Universities and the agricultural research activities and agricultural extension educational activities carried on by the Universities and matters related thereto,
- (g) to supervise and co-ordinate the centralised admissions to various degree courses in Universities,
- (h) to arrange programmes to upgrade capability of teachers of faculties in their respective disciplines according to the requirements of the University,
- (i) such other functions as may be specified by the State Government by notification in the *Official Gazette*.

(8) For the purpose of performing its functions, the Council may call for, from the Universities, such reports, returns and information, as may be necessary and the Universities shall furnish such reports, returns and information.



## CHAPTER VI

## RESEARCH AND EXTENSION EDUCATION

26. (1) Subject to the provisions of this Act and the Statutes, the University shall carry on research directed towards solving the problems of agriculture and allied sciences for the purpose of development of agriculture and of providing benefits to the rural population of the University area and for carrying out such research, it shall establish an Agricultural Research Organisation.

Agricultural  
Research  
Organisation.

(2) The Agricultural Research Organisation shall consist of the following officers and employees, namely:--

- (a) the Director of Research and Dean of Post-graduate Studies, who shall be the Head of the Organisation,
- (b) Associate Directors of Research appointed by the University for various agro-climatic zones falling in the University area,
- (c) Scientists entrusted with the work of research on various crops, commodities or natural resources, by the University,
- (d) such other officers and employees appointed by the University for the purpose of the Organisation.

(3) The Agricultural Research Organisation shall have control also over other agricultural research activities in the University area.

27. (1) The University shall establish an Agricultural Extension Education Organisation.

Agricultural  
Extension  
Education  
Organisation.

(2) The Agricultural Extension Education Organisation shall consist of the following officers and employees, namely:--

- (a) the Director of Extension Education who shall be the Head of the Organisation,
- (b) extension scientists entrusted with the work of assessment, refinement and transfer of technologies of agriculture by the University,
- (c) such other officers and employees appointed by the University for the purpose of Organisation.

(3) The Agricultural Extension Education Organisation shall perform the following functions, namely:--

- (a) to carry out extension activities for the purpose of increasing agricultural production;
- (b) to make available to the farmers information based upon the findings of research carried out by it;
- (c) to conduct demonstrations and training programmes for the benefit of students, extension workers and the persons whose occupation is agriculture;
- (d) to co-ordinate the extension activities with other functions of the University; and
- (e) such other functions as may be prescribed.

## CHAPTER VII STATUTES AND REGULATIONS

**Statutes.** 28. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:--

- (i) conferment and withdrawal of honorary degrees and other academic distinctions;
- (ii) holding of convocations to confer degrees;
- (iii) powers, functions, duties, manner of appointment and emoluments, terms and conditions of service of officers of the University;
- (iv) designations, qualifications, method of recruitment, emoluments and other terms and conditions of service of employees of the University and their duties;
- (v) declaration of other bodies of the University to be authorities of the University;
- (vi) constitution, powers and duties of the authorities of the University save as provided in this Act;
- (vii) acceptance and management of bequests and donations;
- (viii) registration of graduates and maintenance of a register of registered graduates;
- (ix) procedure at meetings of the authorities of the University and for the transaction of their business;
- (x) classification and manner of appointment of teachers and other non-teaching staff;

- (xi) establishment, amalgamation, sub-division and abolition of Faculties;
- (xii) establishment of departments of teaching in Faculties;
- (xiii) the manner in which and the conditions subject to which pension, provident and insurance funds shall be constituted for the benefit of employees of the University and the terms and conditions of each of such funds; and
- (xiv) all matters which by this Act are to be or may be prescribed by the Statutes.

29. (1) Statutes may be made by the Board and may be amended, repealed or added to by Statutes made by the Board in the manner hereinafter provided.

Statutes, their making, amendment, repeal and operation.

(2) The Board may take into consideration the draft of a Statute.

(3) Where a Statute affects the powers or duties of any officer or authority of the University, the Board shall, before passing such Statute, ascertain and consider the views of the officer or the authority concerned and take the same into consideration.

(4) Every Statute passed by the Board shall be submitted to the Chancellor who may give or withhold his assent thereto or refer it back to the Board for consideration.

(5) No Statute passed by the Board shall be valid until assented to by the Chancellor.

30. (1) Any authority of the University specified in clauses (2), (3) and (4) or declared under clause (5) of section 17 may make Regulations consistent with this Act and the Statutes, providing for all matters which by this Act and the Statutes are to be provided for by Regulations and for all other matters solely concerning such authority.

Regulations.

(2) A Regulation made by an authority shall have effect from such date as the authority making the regulation may direct:

Provided that a regulation, which involves expenditure from the University Fund, shall not be effective until it is approved by the Board.

(3) The Board of Studies may propose to the Academic Council draft of any Regulation relating to courses of study, system of examinations and degrees and diplomas of the University to be passed by the Academic Council. Such draft shall be considered by the Academic Council at its next succeeding meeting.

- (4) (a) The Academic Council may approve such draft and pass the Regulation or may reject it or return it to the Board of Studies for reconsideration either in whole or in part together with any amendment which the Academic Council may suggest.
- (b) After any draft so returned has been further considered by the Board of Studies together with any amendment suggested by the Academic Council, it shall be again presented to the Academic Council with the report of the Board of Studies thereon and the Academic Council may then deal with the draft in any manner as it thinks fit :

Provided that no Regulation by the Board of Studies relating to matters other than those referred to in sub-section (3) and no Regulation by a Faculty shall be made unless it is approved by the Academic Council :

Provided further that no Regulation made by any authority declared under clause (5) of section 17 shall be made unless it is approved by the Board of Management.

#### CHAPTER VIII AFFILIATION AND RECOGNITION

##### Affiliation.

31. (1) A college desiring to impart education in agriculture and allied sciences shall send a letter of application to the Registrar for an affiliation to the University, not later than 31<sup>st</sup> March of the year preceding the year in which the college is proposed to be started:

Provided that, on the recommendation of the Vice-Chancellor, the Board may, if it is satisfied that there are special reasons to do so, after recording such reasons, entertain a letter of application sent to the Registrar after 31<sup>st</sup> March.

(2) A college applying for an affiliation shall satisfy the Board and the Academic Council—

- (a) that the college is to be under the management of regularly constituted governing body;
- (b) that the strength and the qualifications of the teaching staff and the conditions governing their tenure of office are such as to make due provision for the education in agriculture and allied sciences to be imparted by the college and for conducting and guiding research in agriculture and programmes of extension education to be undertaken by the college;



- (c) that the buildings in which the college is or is to be located are suitable and that provision has been or shall be made, in conformity with the Statutes, for the residence in the college or in lodging approved by the college, of students not residing with their parents or guardians and for the supervision and welfare of students;
- (d) that due provision is made or shall be made for a library;
- (e) that where affiliation is sought in any branch of experimental science, arrangements have been or shall be made in conformity with the Statutes and regulations for imparting instruction in that branch of science in a properly equipped laboratory;
- (f) that due provision is made or shall be made as far as circumstances may permit, for the residence of the principal and other members of the teaching staff in or near the college or the place provided for the residence of students;
- (g) that the financial resources of the college are such as to make due provision for its continued maintenance and efficient working;
- (h) that the college rules fixing the fees (if any) to be paid by the students have not been so framed as to involve such competition with any existing college in the same neighbourhood as would be injurious to the interest of education;
- (i) that for recruitment of the principal and members of the teaching staff of the college, there is a selection committee of the college which shall include—
  - (i) in case of recruitment of the principal, a representative of the University nominated by the Vice-Chancellor; and
  - (ii) in case of recruitment of a member of the teaching staff of the college, a representative of the University nominated by the Vice-Chancellor and the Head of the Department, if any, concerned with the subject to be taught by such member:

Provided that nothing in this clause shall apply to a Government college, a college maintained by Government or a college established and administered by minority based on religion or language;

(j) that the college shall comply with the Statutes and Regulations providing for conditions of service including salary scales and allowances of the teaching and other academic and non-academic staff of an affiliated college, not being a Government college or a college maintained by the Government;

(k) such other conditions as may be specified in the Statutes in accordance with the provisions of this Act.

(3) The application shall contain an assurance that after the college is affiliated, any transference of management and all changes in the teaching staff and all other changes which result in any of the aforesaid requirement not being fulfilled or continued to be fulfilled shall be forthwith reported to the Board.

(4) On receipt of a letter of application under sub-section (1), the Board shall—

(a) direct a local inquiry to be made by a competent person or persons authorised by the Board in this behalf in respect of the matters referred to in sub-section (2) and such other matters as may be deemed necessary and relevant;

(b) make such further inquiry as may appear to it to be necessary;

(c) give due consideration to the request, if any, made by the applicant for reconsideration of any of the conditions conveyed to him;

(d) record its opinion after consulting the Academic Council on the question whether the application should be granted or refused either in whole or in part, stating the result of any inquiry under clauses (a) and (b):

Provided that where the views of the Academic Council with regard to the affiliation of a college are not acceptable to the Board, the Board shall refer the matter again to the Academic Council, with or without its comments, and the Academic Council shall communicate again to the Board its views with regard to the affiliation of the college.

(5) The Registrar shall submit the application and all proceedings, if any, of the Academic Council and the Board relating thereto to the State Government which shall, after such inquiry as may appear to it to be necessary, grant or refuse the application or any part thereof.

(6) Where the application or any part thereof is granted, the order of the State Government shall specify the courses of the instructions in respect of which the college is affiliated and where the application or any part thereof is refused, the grounds of such refusal shall be recorded.

(7) As soon as possible after the State Government makes its order, the Registrar shall submit to the Board and the Academic Council a full report regarding the application, the action taken thereon under sub-sections (4) to (6) and of all proceedings connected therewith.

(8) An application under sub-section (1) may be withdrawn at any time before an order is made under sub-section (6).

32. Where a college desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed by section 31 shall, as far as possible, be followed. **Extension of affiliation.**

33. (1) The Board shall have power, after consultation with the Academic Council, to recognise as a recognised institution any institution of research in agriculture or extension education, other than a college. **Recognition of institution.**

(2) An institution, which desires to have such recognition, shall send a letter of application to the Registrar and shall give full information in the letter of application in respect of the following matters, namely:--

- (a) constitution and personnel of the managing body;
- (b) subjects and courses in regard to which recognition is sought;
- (c) accommodation, equipment, library facilities and the number of students for whom provision has been or is proposed to be made;
- (d) the strength of the staff, their qualifications and salaries and the research work done by them;
- (e) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(3) Before taking the application into consideration, the Board may call for any further information which it may deem necessary.

(4) If the Board decides to take the application into consideration, it may direct a local inquiry to be made by a competent person or persons authorised by it in this behalf. After considering the report made as a result of such local inquiry and making such further inquiry as may

appear to it to be necessary, the Board shall, after obtaining the opinion of the Academic Council, grant or refuse the application or any part thereof. Where the application or any part thereof is granted, the Board shall specify the subjects and courses of instructions in respect of which the institution is recognised and make a report to that effect to the Academic Council at their next succeeding meeting. Where the application or any part thereof is refused, the grounds of such refusal shall be stated.

**Inspection of college or recognised institution.**

34. (1) Every affiliated college and recognised institution shall furnish such reports, returns and other information as the Board, after consulting the Academic Council, may require to enable it to judge the efficiency of the college or the institution.

(2) On a direction by the Board in that behalf, it shall be the duty of the inspection committee constituted under section 43 to inspect an affiliated college or a recognised institution and to make a report to the Board.

(3) The Board shall cause every such college or institution to be inspected from time to time by the inspection committee.

(4) The Board may call upon any college or institution so inspected to take, within a specified period, such action as may appear to it to be necessary in respect of any of the matters referred to in sub-section (2) of section 31 or, as the case may be, sub-section (2) of section 33.

**Affiliated college and recognised institution to comply with provisions pertaining to medium of instruction.**

35. (1) Every affiliated college or recognised institution shall, in respect of the medium of education in agriculture and allied sciences, research in agriculture and programmes of extension education and examination therein, comply with the provisions made in that behalf by this Act, the Statutes and the Regulations.

(2) If any affiliated college or recognised institution contravenes the provisions of sub-section (1), then, notwithstanding anything contained in the other provisions of this Act,--

(a) the rights conferred on such college or institution by the affiliation or recognition shall stand withdrawn from the date of such contravention; and

(b) such college or institution shall cease to be an affiliated college or recognised institution for the purposes of this Act.

(3) If any affiliated college or recognised institution affected by sub-section (2) raises any dispute as to the withdrawal of its rights of affiliation or recognition, then such dispute shall be referred to the State Government and the State Government shall decide the dispute and its decision shall be final.



36. (1) The rights conferred on a college by affiliation may be withdrawn in whole or in part or modified if the college has failed to carry out any of the provisions of sub-section (2) of section 31 or the college has failed to observe any of the conditions of its affiliation or the college is conducted in a manner which is prejudicial to the interests of education. **Withdrawal of affiliation.**

(2) A motion for the withdrawal or the modification of such rights shall be initiated only in the Board. The member of the Board, who intends to move such a motion, shall give notice of it and shall state in writing the grounds on which it is made.

(3) Before taking the said motion into consideration, the Board shall send a copy of the notice of the motion and statement of grounds on which it is made to the Principal of the college concerned together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the college will be considered by the Board:

Provided that the period so specified may, if necessary, be extended by the Board.

(4) On receipt of the representation or on the expiry of the period referred to in sub-section (3), the Board, after considering the notice of motion, statement and representation, and after such inspection by any competent person or persons authorised by the Board in this behalf, and such further inquiry as may appear to it to be necessary and after consulting the Academic Council, shall record its opinion in the matter:

Provided that where the views of the Academic Council with regard to the withdrawal or modification of the rights conferred by affiliation are not acceptable to the Board, the Board shall, before passing such resolution, refer the matter again to the Academic Council, with or without its comments and the Academic Council shall communicate again to the Board its views in the matter.

(5) The Registrar shall submit the proposal and all proceedings, if any, of the Academic Council and the Board relating thereto, to the State Government which, after such further inquiry, if any, as may appear to it to be necessary, shall make such order as it deems fit, and communicate the same to the Board.

(6) Where by an order made under sub-section (5), the rights conferred on any college by affiliation are withdrawn in whole or in part or modified, the grounds for such withdrawal or modification shall be stated in the order.

(7) The Board may, on recommendation of the Academic Council, recommend to the State Government withholding or reduction of a grant to an affiliated college which, on a report by an Inspection Committee or

otherwise, is found making persistent default in carrying out the conditions of affiliation.

**Withdrawal of  
recognition.**

37. (1) The rights conferred on an institution by recognition may be withdrawn or suspended for any period if the institution has failed to observe any of the conditions of its recognition or the institution has conducted in a manner which is prejudicial to the interest of education.

(2) A motion for such withdrawal or suspension shall be initiated only in the Board. The member of the Board, who intends to move such a motion, shall give notice of it and shall state in writing the grounds on which it is made.

(3) Before taking the said motion into consideration, the Board shall send a copy of the notice of motion and statement of grounds on which it is made to the head of the institution concerned, together with an intimation that any representation in writing submitted within a period specified in the intimation on behalf of the institution will be considered by the Board:

Provided that the period so specified may, if necessary, be extended by the Board.

(4) On receipt of the representation or on the expiry of the period referred to in sub-section (3), the Board, after considering the notice of motion, statement and representation and after such inspection by any competent person or persons authorised by the Board in this behalf and after such further inquiry as may appear to it to be necessary, and after consulting the Academic Council, may, by a resolution, withdraw or suspend recognition.

## CHAPTER IX ORGANISATION WITHIN THE UNIVERSITY AREA FOR POST-GRADUATE TEACHING

**Post-graduate  
teaching.**

38. Within the University area all post graduate education in agriculture and allied sciences shall be imparted or conducting and guiding research in agriculture or conducting and guiding programmes in extension education shall be undertaken by the University or by such affiliated colleges and in such subjects as may be prescribed.

**Teaching within  
University area.**

39. (1) The Board may determine that all education in agriculture and allied sciences or research in agriculture or programmes in extension education in respect of which the University is competent to hold examinations shall, within the University area, be imparted or undertaken by the teachers of the University on behalf of the University and the Board shall communicate its decision to the State Government.

(2) On receipt of the communication under sub-section (1), the State Government may, after making such inquiry as it thinks fit, by notification in the *Official Gazette*, declare that the provisions of section 40 shall come into force on such date as may be specified in the notification.

40. (1) All colleges, which have become constituent colleges under clause (c) of sub-section (1) of section 66, and all colleges within the University area, which may hereafter become University colleges, shall be the constituent colleges of the University. **Constituent colleges.**

(2) No educational institution imparting education in agriculture and allied sciences or conducting and guiding research in agriculture or conducting and guiding programmes of extension education and situate within the University area shall, save with the consent of the University and the sanction of the State Government, be associated in any way with, or seek admission to any of the privileges of, any other University established by law.

(3) The relations of the constituent colleges within the University area shall be governed by the Statutes to be made in that behalf, and such Statutes shall provide in particular for the exercise by the University of the following powers in respect of the constituent colleges, namely:--

- (i) to lay down minimum educational qualifications for the different classes of teachers and tutorial staff employed by such colleges and the conditions of their service;
- (ii) to approve the appointments of the teachers made by such colleges;
- (iii) to require each such college to contribute a prescribed quota of recognised teachers in any subject for teaching on behalf of the University;
- (iv) to co-ordinate and regulate the facilities provided and expenditure incurred by such college in regard to libraries, laboratories and other equipments for teaching and research;
- (v) to require such colleges, when necessary, to confine the enrolment of students to certain subjects;
- (vi) to levy contributions from such colleges and make grants to them; and
- (vii) to require satisfactory arrangements for tutorial and similar other work in such colleges and to inspect such arrangements from time to time:



Provided that a constituent college shall supplement such education in agriculture and allied sciences, research in agriculture or programmes of extension education, by tutorial or other instruction, teaching or training in a manner to be prescribed by the Regulations to be made by the Academic Council.

(5) Subject to the provisions of the Statutes, the Academic Council shall organise and co-ordinate the education, research or programmes of extension education.

## CHAPTER X COMMITTEES

Committees for  
selection of  
University  
teachers.

41. (1) There shall be committees for selection of different classes of full-time teachers of the University including tutors and demonstrators.

(2) No person shall be appointed as full-time teacher of the University except on the recommendation of the committee.

(3) The constitution of such committee, the term of office of its members and the procedure to be followed by it shall be such as may be prescribed.

Examiners'  
Committee.

42. (1) There shall be formed every year a committee for each Faculty, for the purpose of drawing up the list for appointments to University examinership, consisting of—

- (i) the Dean of the concerned Faculty, *ex-officio* Chairman,
- (ii) the Chairman of the Board of Studies, and
- (iii) two members of the Board of Studies nominated by the Vice-Chancellor for the year.

(2) The list of examiners prepared by the committee shall be placed through the Academic Council before the Vice-Chancellor for his approval who may either approve or modify the same for the reasons to be recorded in writing.

(3) The procedure to be followed by the committee shall be such as may be prescribed.

Inspection  
Committee.

43. There shall be an Inspection Committee consisting of a person nominated by the Vice-Chancellor as the Chairman and such other members as may be appointed by the Board in accordance with the Statutes.



44. (1) There shall be a College Development Committee for the purpose of development of colleges in the University area. **College Development Committee.**

(2) The constitution of such Committee, the term of office of its members and the procedure to be followed by it shall be such as may be prescribed.

45. (1) Any of the authorities of the Universities referred to in section 17 may, from time to time, appoint such other committees consisting of such persons from amongst its members as the authority thinks fit and may refer or entrust, to any such committee for inquiry and report or for opinion any of the matters dealt with by the authority and may at any time discontinue or alter the constitution of any such committee. **Other committees.**

(2) Notwithstanding anything contained in this Act, but subject to the approval of the appointing authority, it shall be lawful for a committee appointed under sub-section (1) to co-opt such number of persons who are not members of the appointing authority as its members as it thinks fit.

## CHAPTER XI FINANCE

46. (1) The University shall establish a fund to be called the University Fund. **University Fund.**

(2) The following shall form part of, or be paid into, the University Fund:--

- (a) any contribution or grant by the State Government,
- (b) the income of the University from all sources including income from fees and charges,
- (c) bequest, donations, endowments and other grants, if any.

(3) The University Fund shall be kept in any corresponding new bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 and approved by the State Government for the purpose or invested in securities authorised by the Trusts Act, 1882 at the discretion of the Board.

47. The State Government shall, in each year after due appropriation made by the State Legislature by law in this behalf, make provision for making grants to the University, as follows:- **Grants.**

(a) a grant of an amount not less than the estimated net expenditure on pay and allowances of the staff, contingencies, and services of the University ;

(b) a grant to meet such additional items of expenditure, recurring and non-recurring as the State Government may deem necessary for the proper functioning of the University.

Annual accounts  
and financial  
estimates.

48. (1) The annual accounts of the University shall be prepared under the direction of the Board.

(2) The Board shall prepare before such date as may be prescribed the financial estimates for the ensuing year having regard to the Government grants that are likely to be available.

(3) The annual accounts and the financial estimates shall be considered by the Board at its annual meeting and pass a resolution adopting the accounts and financial estimates.

(4) The annual accounts so adopted shall be submitted to the State Government for audit.

(5) (a) The Board shall, after the accounts are audited, submit a copy thereof along with a copy of audit report and the statement of the action taken by the University on the audit report, to the State Government.

(b) The State Government shall cause the copy of the accounts and the audit report along with the statement of action taken by the University on the audit report to be laid before the State Legislature.

Annual report.

49. (1) The Annual Report of the University shall be prepared under the direction of the Board by or before such date as may be prescribed and shall be considered by the Board at its annual meeting.

(2) The Board may pass such resolutions thereon and take such action as it thinks fit.

## CHAPTER XII SUPPLEMENTARY PROVISIONS

Dismissal, removal,  
reduction and  
termination of  
service of staff of  
college.

50. (1) No member of the teaching, other academic and non-teaching staff of a college shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges and unless the penalty to be inflicted on him is

approved by the Vice-Chancellor or any other officer of the University authorised by the Vice-Chancellor in this behalf.

(2) No termination of service of such member not amounting to his dismissal or removal falling under sub-section (1) shall be valid unless—

- (a) he has been given a reasonable opportunity of showing cause against the proposed termination, and
- (b) such termination is approved by the Vice-Chancellor or any officer of the University authorised by the Vice-Chancellor in this behalf:

Provided that nothing in this sub-section shall apply to any person who is appointed on probation or for a temporary period only.

(3) (a) An appeal from an order of dismissal, removal or reduction under sub-section (1) or of termination under sub-section (2) shall lie to the State Government within ninety days from the date of the communication of such order and the decision of the State Government in such appeal shall be final and shall not be called in question in any civil court:

Provided that the State Government may admit any appeal after the period of limitation laid down in this clause if the appellant satisfies the State Government that he had sufficient cause for not preferring the appeal within such period.

(b) In computing the period laid down in clause (a), the provisions of sections 4 and 12 of the Limitation Act, 1963 shall, so far as may be, apply.

36 of  
1963.

51. The University shall make adequate provision for the benefit of its officers, teachers and other servants in matters of insurance, pension and provident fund or for such other benefits as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

**Pension,  
insurance and  
provident fund.**

52. (1) Where the University has established a provident fund for the benefit of its officers, teachers and other servants under section 51, such fund shall, notwithstanding anything contained in any law for the time being in force, be deposited in the State Government treasury in accordance with such directions as the State Government may, from time to time, by an order in writing, give and thereupon,—

**Provident fund to be  
deposited in  
Government  
treasury.**

- (i) the subscriber to the fund shall be entitled to interest on the balance in his provident fund account at the same rate, at which the State Government servant is for the



time being entitled to on the balance in his provident fund account, and

- (ii) the rules for the time being in force relating to the limits of withdrawals from the provident fund as applicable to such Government servant shall, so far as may be, apply to the subscriber.

(2) Nothing in this section shall apply to a provident fund established by the University to which the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, applies.

19 of  
1952.

Officers and  
employees to be  
public servants.

53. Every officer and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of  
1860.

*Explanation.*—For the purposes of this section, any person, who is appointed by the University for a specified period or for a specified work of the University or, who receives any remuneration by way of compensatory allowance or fee for any work done from the University Fund, shall be deemed to an officer or employee of the University while he is performing, and in relation to all matters relatable to the performance of, the duties and functions connected with such appointment or work.

Vacating  
office.

54. (1) Any member of any authority or body of the University may resign his office by letter addressed to the Vice-Chancellor through the Registrar and on the Vice-Chancellor accepting the resignation, the office of such member shall become vacant.

(2) The Board may remove any person from membership of any authority or body of the University on the ground that such member has been convicted by a court of law of an offence, which, in the opinion of the Board, involves moral turpitude:

Provided that no order for removal of such person shall be made without giving him an opportunity of being heard.

(3) Subject to the provisions of sub-section (2), a person, who is a member of any authority or body of the University as a representative of another body, whether of the University or not, shall retain his seat on the University authority or body so long as he continues to be a member of the body by which he was appointed and thereafter till his successor is duly appointed.

Filling up of  
casual  
vacancies.

55. When any vacancy occurs in the office of a member (other than an *ex-officio* member) of any authority or other body of the University before the expiry of the term of office of such member, the vacancy shall be filled up, as soon conveniently as may be, by nomination, appointment or, as the case may be, co-option of a member who shall



hold office so long only as the member in whose place he has been nominated, appointed or co-opted, would have held it, if the vacancy had not occurred.

56. No act or proceeding of any authority or other body of the University shall be invalidated merely by reason of any vacancy in its membership or by reason of a person having taken part in the proceedings of the authority or other body who is subsequently found to have been not entitled to do so.

**Proceedings not  
invalidated by  
vacancies.**

57. Where any question arises as to—

**Disputes as to  
constitution of  
University  
authority or  
body.**

(1) the interpretation of any provision of this Act, or of any Statute or Regulation, or

(2) whether a person has been duly appointed as, or is entitled to be or ceases to be entitled to be, a member of any authority or other body of the University,

(a) it may be referred to the State Government if it relates to a matter specified in clause (1), and

(b) it shall be referred to the State Government if—

(i) it relates to a matter specified in clause (2), or

(ii) if four members of the Board so require, irrespective of whether it relates to a matter specified in clause (1) or clause (2), and

the State Government shall, after making such inquiry as it deems fit (including giving opportunity of being heard where necessary) decide the question and its decision shall be final.

58. All acts and orders in good faith done and passed by the University or any of its authorities, bodies or officers shall be final and no suit shall be instituted against or damage claimed from the University or its authorities, bodies or officers for anything purporting to be done in pursuance of the Act and the Statutes and Regulations framed thereunder.

**Protection of  
acts and  
orders.**

### CHAPTER XIII TRANSITORY PROVISIONS

Completion of  
courses of  
students in  
colleges associated  
with Gujarat  
Agricultural  
University.

59. Notwithstanding anything contained in this Act or the statutes or the regulations made thereunder, any student of a college situate within the University area who, immediately before the date on which section 4 came into force was studying or was eligible for any examination of the Gujarat Agricultural University, shall be permitted to complete his course in preparation therefor, and the University for that University area shall provide for such period and in such manner as may be prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with the course of studies of the Gujarat Agricultural University.

Appointment of  
first Vice-  
Chancellor.

60. Notwithstanding anything contained in section 10, the first Vice-Chancellor shall be appointed by the State Government as soon as practicable after the date of commencement of this Act for a period not exceeding two years and on such terms and conditions as the State Government thinks fit.

Appointment  
of first  
Registrar.

61. Notwithstanding anything contained in section 15, the first Registrar shall be appointed by the State Government as soon as practicable after the date of commencement of this Act for a period not exceeding three years and on such conditions as the State Government thinks fit.

Transitory  
powers of first  
Vice-  
Chancellor.

62. (1) It shall be the duty of the first Vice-Chancellor to make arrangements for constituting the Academic Council and other authorities of the University other than the Board within six months after the date of his appointment or such longer period not exceeding one year in the aggregate as the State Government may, by notification in the *Official Gazette*, direct.

(2) The first Vice-Chancellor shall, with the assistance of the Advisory Committee consisting of not more than fifteen members nominated by the State Government--

(a) subject to the provisions of this Act and the approval of the Chancellor,--

(i) make provisional statutes necessary for constituting the authorities of the University and regulating the procedure at their meetings and the transaction of their business,

(ii) draw up any rules that may be necessary for regulating the method of constitution of authorities,

(b) frame the first statutes and regulations under this Act and submit them for confirmation to the respective

authorities when they commence to exercise their functions.

(3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as the State Government may, by notification in the *Official Gazette*, direct.

(4) The statutes and regulations framed by the first Vice-Chancellor shall, when confirmed by the respective authorities, be published in the *Official Gazette*.

63. (1) At any time after the passing of this Act until such time as the authorities of the University shall commence to exercise their functions,

**First  
appointment  
of the officers  
and teachers  
of University.**

(a) any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the Chancellor,

(b) teachers of the University may be appointed by the Chancellor after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, the Director of Agriculture and such other person or persons, if any, as the Chancellor thinks fit to associate with them.

(2) Any appointment made under sub-section (1) shall be for such period not exceeding three years and on such conditions as the appointing authority thinks fit:

Provided that no such appointment shall be made until financial provision has been made therefor.

64. The first Vice-Chancellor appointed under section 60 shall have the following powers until the Board commences to exercise its functions, namely:--

**Extraordinary  
powers of first  
Vice-Chancellor.**

(a) with the previous approval of the Chancellor, to make additional statutes to provide for any matter not provided for by the first Statutes,

(b) to constitute provisional authorities and bodies and on their recommendations, to make rules providing for the conduct of the work of the University,

(c) subject to the control of the State Government, to make such financial arrangements as may be necessary to enable this Act or any part thereof to be brought into force,



- (d) with the sanction of the Chancellor, to make, for a period not exceeding three years, such appointment as may be necessary to enable this Act or any part thereof to be brought into force,
- (e) to appoint any committee as he may think fit to discharge such of his functions as he may direct, and
- (f) generally to exercise all or any of the powers conferred on the Board by or under the provisions of this Act.

#### CHAPTER XIV MISCELLANEOUS

Power to  
remove  
difficulties.

65. (1) If any difficulty arises as to the first constitution or reconstitution of any authority of the University after the coming into force of this Act or otherwise in first giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid as soon as may be, after it is made, before the State Legislature.

Repeal of  
Gujarat  
Agricultural  
University Act,  
1969.

66. (1) With effect on and from such date as the State Government may, by notification in the *Official Gazette*, appoint (hereinafter referred to in this section as "the appointed day"), the Gujarat Agricultural University Act, 1969 shall stand repealed and the following consequences shall ensue, that is to say--

- (a) the Gujarat Agricultural University established and constituted for the State of Gujarat and functioning immediately before the appointed day shall, alongwith all its authorities, stand dissolved (hereinafter referred to as "the dissolved University") and all its officers specified in or declared under section 9 of the repealed Act shall be deemed to have vacated their office;
- (b) all land and all stores, articles and goods belonging to the dissolved University and situate in a University area shall pass to the University constituted for that area under this Act (hereinafter referred to as "new University"):

Provided that where the State Government is of the opinion that any goods or class of goods should be distributed otherwise than according to the situation of the



goods, the State Government may issue such directions as it thinks fit for a just and equitable distribution of the goods and the goods shall pass to the new Universities accordingly;

*Explanation.-* For the purposes of clause (b), "land" includes immovable property of every kind and any rights in or over such property ;

- (c) the constituent college specified in column 1 of Schedule II shall cease to be the constituent college of the dissolved University and shall become constituent college of the University mentioned against it in column 2 of the said Schedule;
- (d) the unexpended balance in the general fund and the foundation fund, whether deposited in a bank or invested in securities belonging to the dissolved University immediately before the appointed day, shall, subject to all charges and liabilities affecting the same, vest in the new Universities in such proportion and in such manner as the State Government may direct;
- (e) the liability of the dissolved University in respect of the provident fund account of an officer or employee of that University in service on the appointed day shall, as from that day, be the liability of the new University to which the officer or employee is allotted;
- (f) all debts and obligations incurred and all contracts made by or on behalf of the dissolved University before the appointed day and subsisting on that day shall, in so far as they relate to a University area, be the debts and obligations incurred by and the contracts made by the University constituted for that area:

Provided that where the State Government is of opinion that this clause is not applicable to any debt and obligation incurred or any contract made by or on behalf of the dissolved University, the State Government may issue such directions as it thinks fit for a just and equitable apportionment of the debts and obligations and contracts and the debts, obligations and contracts shall pass to the new Universities accordingly;

- (g) all officers and employees in the employment of the dissolved University immediately before the appointed day shall be allocated to the new Universities by the State Government in such manner as it may direct having regard to such principles as it may, by notification in the *Official*

*Gazette*, lay down, and until other provision is made in accordance with this Act, they shall receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject to immediately before the appointed day:

Provided that the conditions of service applicable immediately before the appointed day to any officer or employee allotted to the new University shall not be varied to his disadvantage except with the previous approval of the State Government.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or any other law for the time being in force, a person, who has ceased to be an officer by virtue of clause (a) of sub-section (1) or an officer or servant of the dissolved University who is transferred to any of the new Universities as a result of the allotment made under clause (g) of sub-section (1), shall not be entitled to any compensation for such cesser or transfer, under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

14 of  
1947.

**SCHEDULE I**  
( See clause (20) of section 2 )

**UNIVERSITY AREA**

**PART I**  
**THE ANAND AGRICULTURAL UNIVERSITY**

1. Anand District,
2. Ahmedabad District,
3. Vadodara District,
4. Dahod District,
5. Panchmahals District,
6. Kheda District.

**PART II**  
**THE JUNAGADH AGRICULTURAL UNIVERSITY**

1. Amreli District,
2. Bhavnagar District,
3. Jamnagar District,
4. Junagadh District,
5. Porbandar District,
6. Rajkot District,
7. Surendranagar District.

**PART III**  
**THE NAVSARI AGRICULTURAL UNIVERSITY**

1. Bharuch District,
2. Dang District,
3. Narmada District,
4. Navsari Disitric,
5. Surat District,
6. Valsad District.

**PART IV**  
**THE SARDAR KRUSHINAGAR DANTIWADA**  
**AGRICULTURAL UNIVERSITY**

1. Banaskantha District,
2. Gandhinagar District,
3. Kutch District,
4. Mehsana District,
5. Patan District,
6. Sabarkantha District.

**SCHEDULE II**

(See clause (c) of sub-section (1) of section 66)

COLLEGE 1	UNIVERSITY 2
Bansilal Amrutlal College of Agriculture, Anand.	The Anand Agricultural University.
College of Veterinary Science and Animal Husbandry, Anand.	The Anand Agricultural University.
Sheth Manshukhlal Chhaganlal College of Dairy Science, Anand.	The Anand Agricultural University.
College of Agriculture, Junagadh.	The Junagadh Agricultural University.
College of Agricultural Engineering and Technology, Junagadh.	The Junagadh Agricultural University.
College of Fisheries Science, Veraval.	The Junagadh Agricultural University.
Shri Navinchandra Mafatlal College of Agriculture, Navsari.	The Navsari Agricultural University.
Aspee College of Horticulture and Forestry, Navsari.	The Navsari Agricultural University.
Chimanbhai Patel College of Agriculture.	Sardar Krushinagar Dantiwada Agricultural University.
College of Veterinary Science and Animal Husbandry.	Sardar Krushinagar Dantiwada Agricultural University.
Aspee College of Home Science.	Sardar Krushinagar Dantiwada Agricultural University.





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# The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

VOL. XLV]

SATURDAY, MARCH 6, 2004/ PHALGUNA 16, 1925

Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

## PART - IV

### Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, Having been assented to by the Governor on the 4th March, 2004 is hereby published for general information.

S. S. PARMAR,

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 6 OF 2004.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 6<sup>th</sup> March, 2004).

### AN ACT

further to amend the Gujarat Public Premises (Eviction of  
Unauthorised Occupants) Act, 1972.

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Public Premises (Eviction of Unauthorised Occupants)(Amendment) Act, 2004. Short title.

Amendment of  
section 2 of  
Guj. 12 of 1973.

2. In the Gujarat Public Premises (Eviction of Unauthorised Occupants) Act, 1972, in section 2, in clause (f),-

- (a) in sub-clause (iii), the word "and" occurring at the end shall be deleted;
- (b) in sub-clause (iv), the word "and" shall be added at the end; and
- (c) after sub-clause (iv), the following sub-clause shall be inserted, namely:-

"(v) a public trust registered under the Bombay Public Trust Act, 1950, as the State Government may, by notification in the *Official Gazette*, declare the premises of such trust to be of national importance or historical interest."

Guj. 12 of  
1973.

Bom. 29 of  
1950.

Government Central Press, Gandhinagar

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**S.S. PARMAR,**  
Secretary to the Government of Gujarat.  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 7 OF 2004.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", On the 6<sup>th</sup> March, 2004).

### *AN ACT*

to authorise withdrawal of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of a part of the financial year ending on the thirty-first day of March, 2005.

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation (Vote on Account) Act, 2004.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of ten thousand one hundred sixty-five crore, ninety-six lakh, twenty-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2004-05.

Withdrawal of  
Rs.  
1,01,65,96,29,000  
from and out of  
the Consolidated  
Fund of the State  
of Gujarat for the  
financial year  
2004-2005.

3. The sums authorised to be withdrawn from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.



## SCHEDULE

( See sections 2 and 3 )

No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
			Rs.	Rs.	Rs.
1	Agriculture and Co-operation Department	Revenue	35613000		35613000
2	Agriculture	Revenue	1156214000		1156214000
		Capital	4967000		4967000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	169317000		169317000
		Capital	3000		3000
4	Animal Husbandry and Dairy Development	Revenue	234864000		234864000
5	Co-operation	Revenue	121026000		121026000
		Capital	24633000		24633000
6	Other expenditure pertaining to Agriculture and Co-operation Department	Capital	30805000		30805000
7	Education Department	Revenue	9732000		9732000
8	Education	Revenue	12067495000	393717000	12461212000
9	Other expenditure pertaining to Education Department	Revenue	3725000		3725000
		Capital	108458000		108458000
10	Energy and Petro-chemicals Department	Revenue	6295000		6295000
11	Tax Collection Charges (Energy and Petro-chemicals Department)	Revenue	19823000		19823000
12	Energy Projects	Revenue	5882164000	7500000	5889664000
		Capital	748877000		748877000
13	Other expenditure pertaining to Energy and Petro-chemicals Department	Revenue	500000		500000
		Capital	19167000		19167000
14	Finance Department	Revenue	22670000		22670000
		Capital	300000		300000
15	Tax Collection Charges (Finance Department)	Revenue	221085000		221085000
16	Treasury and Accounts Administration	Revenue	126437000		126437000

No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
17	Pension and other retirement benefits.	Revenue	4538157000	333000	4538490000
18	Other expenditure pertaining to Finance Department	Revenue	1165663000		1165663000
		Capital	11762000	33000	11795000
19	Repayment of debt pertaining to Finance Department and its servicing	Revenue		19133297000	19133297000
		Capital		7951527000	7951527000
20	Food, Civil Supplies and Consumer Affairs Department	Revenue	23608000		23608000
21	Civil Supplies	Revenue	465215000		465215000
22	Food	Revenue	39901000		39901000
		Capital	667000		667000
23	Other expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital	1633000		1633000
24	Forest and Environment Department	Revenue	6117000		6117000
25	Forests	Revenue	376888000		376888000
		Capital	288807000		288807000
26	Environment	Revenue	10467000		10467000
27	Other expenditure pertaining to Forest and Environment Department	Capital	15675000		15675000
28	Governor	Revenue		7808000	7808000
29	Council of Ministers	Revenue	4917000		4917000
30	Elections	Revenue	242836000		242836000
31	Public Service Commission	Revenue	2442000	9148000	11590000
32	General Administration Department	Revenue	80116000		80116000

No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
33	Economic Advice and Statistics	Revenue	23172000		23172000
34	Other expenditure pertaining to General Administration Department	Revenue Capital	689813000 4144388000	213000	690026000 4144388000
35	State Legislature	Revenue	28633000	425000	29058000
36	Loans and Advances to Government Servants in Gujarat Legislature Secretariat	Capital	669000		669000
37	Health and Family Welfare Department	Revenue	12133000		12133000
38	Medical and Public Health	Revenue	2248591000		2248591000
39	Family Welfare	Revenue	401054000		401054000
40	Other expenditure pertaining to Health and Family Welfare Department	Revenue Capital	465000 20023000		465000 20023000
41	Home Department	Revenue	15367000		15367000
42	Police	Revenue	2436250000		2436250000
43	Jails	Revenue	76595000		76595000
44	Transport	Revenue Capital	646540000 680367000		646540000 680367000
45	State Excise	Revenue	16387000		16387000
46	Other expenditure pertaining to Home Department	Revenue Capital	156473000 154233000	100000	156573000 154233000
47	Industries and Mines Department	Revenue	18740000		18740000
48	Stationery and Printing	Revenue	115591000		115591000
49	Industries	Revenue Capital	808209000 835067000		808209000 835067000
50	Mines and Minerals	Revenue	69542000		69542000
51	Tourism	Revenue	26938000		26938000

No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
52	Other expenditure pertaining to Industries and Mines Department	Revenue Capital	22083000 18837000		22083000 18837000
53	Information and Broadcasting Department	Revenue	1810000		1810000
54	Information and Publicity	Revenue	74237000		74237000
55	Other expenditure pertaining to Information and Broadcasting Department	Revenue Capital	9440000 2933000		9440000 2933000
56	Labour and Employment Department	Revenue	7858000		7858000
57	Labour and Employment	Revenue	347210000		347210000
58	Other expenditure pertaining to Labour and Employment Department	Capital	18640000		18640000
59	Legal Department	Revenue	7385000		7385000
60	Administration of Justice	Revenue	420180000	54525000	474705000
61	Other expenditure pertaining to Legal Department	Revenue Capital	38952000 9685000		38952000 9685000
62	Legislative and Parliamentary Affairs Department	Revenue	6140000		6140000
63	Other expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	235000		235000
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	18073000		18073000
65	Narmada Development Scheme	Capital	2697996000		2697996000
66	Irrigation and Soil Conservation	Revenue Capital	7623731000 831752000		7623731000 831752000
67	Water Supply	Revenue Capital	505930000 1443755000		505930000 1443755000



No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
68	Other expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Capital	46933000		46933000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	10165000		10165000
70	Community Development	Revenue	903654000		903654000
71	Rural Housing and Rural Development	Revenue Capital	1116040000 1000	469864000	1585904000 1000
72	Compensation and Assignments	Revenue	230934000		230934000
73	Other expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue Capital	302228000 67683000		302228000 67683000
74	Fisheries	Revenue Capital	119935000 7827000		119935000 7827000
75	Other expenditure pertaining to Ports and Fisheries Department	Revenue Capital	2983000 1033000		2983000 1033000
76	Revenue Department	Revenue	28639000		28639000
77	Tax Collection Charges (Revenue Department)	Revenue	186408000		186408000
78	District Administration	Revenue	222248000		222248000
79	Relief on account of natural calamities	Revenue	1263800000		1263800000
80	Dangs District	Revenue	66272000		66272000
81	Compensation and Assignments	Revenue Capital	76893000 1604000	491000 67000	77384000 1671000
82	Other expenditure pertaining to Revenue Department	Revenue Capital	2443000 12543000		2443000 12543000
83	Roads and Buildings Department	Revenue	20507000		20507000

No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		
			Voted.	Charged on the Consolidated Fund	Total
1	2		3		
84	Non-Residential Buildings	Revenue	648470000	333000	648803000
		Capital	264958000		264958000
85	Residential Buildings	Revenue	203369000		203369000
		Capital	43217000		43217000
86	Roads and Bridges	Revenue	1638602000		1638602000
		Capital	1965992000		1965992000
87	Gujarat Capital Construction Scheme	Revenue	27256000		27256000
		Capital	86833000		86833000
88	Other expenditure pertaining to Roads and Buildings Department	Revenue	33143000		33143000
		Capital	18792000		18792000
89	Science and Technology Department	Revenue	109068000		109068000
90	Other expenditure pertaining to Science and Technology Department	Revenue	113353000		113353000
		Capital	34305000		34305000
91	Social Justice and Empowerment Department	Revenue	7237000		7237000
92	Social Security and Welfare	Revenue	640411000	2667000	643078000
		Capital	6009000		6009000
93	Welfare of Scheduled Tribes	Revenue	221056000		221056000
		Capital	5833000		5833000
94	Other expenditure pertaining to Social Justice and Empowerment Department	Capital	4658000		4658000
95	Special Component Plan for Scheduled Castes	Revenue	944486000		944486000
		Capital	47800000		47800000
96	Tribal Area Sub-Plan	Revenue	2858151000		2858151000
		Capital	446135000		446135000
97	Sports, Youth and Cultural Activities Department	Revenue	3500000		3500000
98	Youth Services and Cultural Activities	Revenue	86925000		86925000
99	Other expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital	1677000		1677000
100	Urban Development and Urban Housing Department	Revenue	5170000		5170000

No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
101	Urban Housing	Revenue	36834000	184334000	221168000
102	Urban Development	Revenue	1251010000		1251010000
		Capital	1017000		1017000
103	Compensation, Assignments and Tax Collection Charges	Revenue	206667000	66701000	273368000
104	Other expenditure pertaining to Urban Development and Urban Housing Department	Revenue	3620000		3620000
		Capital	1971000		1971000
105	Women and Child Development Department	Revenue	1733000		1733000
106	Other expenditure pertaining to Women and Child Development Department	Revenue	693368000	1667000	695035000
		Capital	337000		337000
Total:		Revenue	58193387000	20333123000	78526510000
		Capital	15181492000	7951627000	23133119000
Grand Total :			73374879000	28284750000	101659629000

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# **The Gujarat Government Gazette**

## **EXTRAORDINARY**

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### **PART IV**

**Acts of the Gujarat Legislature and Ordinances promulgated  
and regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 4<sup>th</sup> March, 2004 is hereby published for general information.

**S.S. PARMAR,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### **GUJARAT ACT NO. 8 OF 2004.**

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", On the 6<sup>th</sup> March, 2004).

### ***AN ACT***

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2004.



It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat (Supplementary) Appropriation Act, 2004.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of seventeen thousand two hundred twenty-six crores, eighty-five lacs, ninety-three thousand rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 2004, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of  
Rs. 1,72,26,85,93,000  
from and out of the  
Consolidated Fund  
of the State of  
Gujarat for the  
financial year 2003-  
2004. ∞

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

**SCHEDULE**  
(See sections 2 and 3)

No. of Vote/ Appropriation	Services and Purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3	3	3
			Rs.	Rs.	Rs.
2	Agriculture	Revenue		73,000	73,000
4	Animal Husbandry and Dairy Development	Revenue	4,76,65,000	6,000	4,76,71,000
		Capital	83,92,000		83,92,000
5	Co-operation	Capital	46,22,01,000	-	46,22,01,000
6	Other expenditure pertaining to Agriculture and Co-operation Department	Revenue		58,000	58,000
7	Education Department	Revenue	4,15,000	-	4,15,000
8	Education	Revenue	2,000	-	2,000
12	Energy Projects	Revenue	7,59,19,02,000		7,59,19,02,000
		Capital	14,93,82,23,000	-	14,93,82,23,000
14	Finance Department	Revenue	1,000	-	1,000
18	Other expenditure pertaining to Finance Department	Revenue	2,000	-	2,000
19	Repayment of debt pertaining to Finance Department and its Servicing	Revenue	-	84,27,50,000	84,27,50,000
		Capital	-	1,27,38,93,58,000	1,27,38,93,58,000
21	Civil Supplies	Revenue	41,92,31,000	-	41,92,31,000
22	Food	Revenue	1,06,90,000	-	1,06,90,000
		Capital	1,30,76,000	-	1,30,76,000
25	Forests	Revenue	1,000	2,80,000	2,81,000
30	Elections	Revenue	10,32,14,000	-	10,32,14,000
32	General Administration Department	Revenue	1,000	-	1,000
33	Economic Advice & Statistics	Revenue	1,000	-	1,000
34	Other expenditure pertaining to General Administration Department	Revenue	2,000	-	2,000
38	Medical and Public Health	Revenue	9,74,48,000	1,61,000	9,76,09,000
39	Family Welfare	Revenue	70,000	-	70,000
40	Other expenditure pertaining to Health and Family Welfare Department	Revenue	15,000	83,000	98,000
41	Home Department	Revenue	12,70,000	-	12,70,000
42	Police	Revenue	53,51,36,000	-	53,51,36,000
44	Transport	Revenue	19,58,38,000	-	19,58,38,000
		Capital	1,70,00,00,000	-	1,70,00,00,000
49	Industries	Revenue		4,000	4,000
		Capital	3,000	-	3,000
51	Tourism	Revenue	1,000	-	1,000
52	Other expenditure pertaining to Industries and Mines Department	Revenue	-	68,64,000	68,64,000
54	Information and Publicity	Revenue	2,59,25,000	-	2,59,25,000
60	Administration of Justice	Revenue	4,81,32,000	1,32,76,000	6,14,08,000
61	Other expenditure pertaining to Legal Department	Revenue	1,38,62,000	-	1,38,62,000
65	Narmada Development Scheme	Capital	13,15,04,78,000	-	13,15,04,78,000
66	Irrigation and Soil Conservation	Revenue	1,49,89,000	8,67,000	1,58,56,000
		Capital		2,25,23,000	2,25,23,000
67	Water Supply	Revenue	20,00,00,000	-	20,00,00,000
		Capital	7,30,00,000	-	7,30,00,000
68	Other expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue		4,02,49,000	4,02,49,000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	15,00,000	-	15,00,000

**SCHEDULE**  
(See sections 2 and 3)

No. of Vote/ Appro- priation	Services and Purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3		
70	Community Development	Revenue	5,03,000	5,03,000
71	Rural Housing and Rural Development	Revenue	80,68,00,000	80,68,00,000
72	Compensation and Assignments	Revenue	45,83,000	45,83,000
73	Other expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	17,15,69,000	17,15,69,000
74	Fisheries	Revenue	2,000	2,000
76	Revenue Department	Revenue	12,51,000	12,51,000
77	Tax Collection Charges (Revenue Department)	Revenue	3,27,48,000	3,27,48,000
78	District Administration	Revenue	31,62,48,000	31,62,48,000
80	Dangs District	Revenue	1,80,42,000	1,80,42,000
81	Compensation and Assignments	Revenue	8,28,20,000	8,28,20,000
82	Other expenditure pertaining to Revenue Department	Revenue	5,72,25,000	5,72,25,000
84	Non-Residential Buildings	Revenue	6,80,000	6,80,000
		Capital	20,29,000	20,29,000
85	Residential Buildings	Revenue	30,000	30,000
		Capital	55,000	55,000
86	Roads and Bridges	Revenue	12,00,00,000	12,00,00,000
		Capital	4,15,14,000	4,15,14,000
87	Gujarat Capital Construction Scheme	Capital	33,07,000	33,07,000
88	Other expenditure pertaining to Roads and Buildings Department	Revenue	73,40,000	73,40,000
90	Other expenditure pertaining to Science and Technology Department	Revenue	30,00,000	30,00,000
92	Social Security and Welfare	Revenue	10,14,49,000	10,14,49,000
93	Welfare of Scheduled Tribes	Revenue	15,21,90,000	15,21,90,000
95	Special Component Plan for Scheduled Castes	Revenue	5,21,28,000	5,21,28,000
96	Tribal Area Sub-Plan	Revenue	50,80,32,000	50,80,32,000
		Capital	30,00,000	30,00,000
98	Youth Services and Cultural Activities	Revenue	8,68,04,000	8,68,04,000
101	Urban Housing	Revenue	34,55,000	34,55,000
		Capital	71,85,18,000	71,85,18,000
102	Urban Development	Revenue	51,06,10,000	51,06,10,000
		Capital	13,02,83,000	13,02,83,000
106	Other expenditure pertaining to Women and Child Development Department	Revenue	13,05,59,000	13,05,59,000
		Capital	6,00,00,000	6,00,00,000
Total:		Revenue	12,47,41,68,000	12,47,41,68,000
		Capital	31,26,25,10,000	31,26,25,10,000
Grand Total:			43,73,66,78,000	43,73,66,78,000



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### PART - IV

#### Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 4<sup>th</sup> March, 2004 is hereby published for general information.

S. S. PARMAR,

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### GUJARAT ACT NO. 9 OF 2004.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 6<sup>th</sup> March, 2004).

#### AN ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 1992.

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation (Excess Expenditure) Act, 2004.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of three hundred eighty-seven crores, eighty-nine lakhs, ten thousand, two hundred ninety-four rupees towards defraying the several charges which have come in course of payment during the financial year ending on the thirty-first day of March, 1992, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of  
Rs. 3,87,89,10,294  
from and out of the  
Consolidated Fund  
of the State of  
Gujarat for the  
financial year  
1991-92.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ending on the thirty-first day of March, 1992.

Appropriation.



**SCHEDULE**  
(See sections 2 and 3)

No. of Excess Demand/ Appropriation	Services and Purposes		Sums not exceeding		
			Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2		3		
1	Agriculture, Co-operation and Rural Development	Revenue	---	18,85,934	18,85,934
4	Animal Husbandry and Dairy Development	Revenue	---	50,75,507	50,75,507
		Capital	---	17,85,000	17,85,000
6	Co-operation	Capital	---	1,45,89,363	1,45,89,363
8	Education Department	Revenue	---	10,15,516	10,15,516
9	Education	Revenue	---	15,55,53,432	15,55,53,432
18	Pension and other retirement benefits	Revenue	1,00,637	6,11,27,192	6,12,27,829
20	Repayment of debt pertaining to Finance Department and its servicing	Capital	1,03,74,68,921	---	1,03,74,68,921
23	Food	Capital	---	1,23,648	1,23,648
26	Forests	Revenue	61,034	1,94,10,421	1,94,71,455
30	Council of Ministers	Revenue	---	3,46,077	3,46,077
39	Medical and Public Health	Revenue	---	7,05,00,298	7,05,00,298
41	Water Supply	Revenue	---	8,20,540	8,20,540
		Capital	---	3,16,46,000	3,16,46,000
43	Home Department	Revenue	---	14,25,738	14,25,738
44	Police	Revenue	6,85,501	6,16,86,343	6,23,71,844
45	Jails	Revenue	---	64,94,206	64,94,206
46	Transport	Capital	---	10,00,00,000	10,00,00,000
47	Other expenditure pertaining to Home Department	Revenue	---	3,53,91,778	3,53,91,778
		Capital	---	69,40,035	69,40,035
50	Industries	Capital	---	82,03,00,002	82,03,00,002
64	Narmada Development Scheme	Revenue	---	52,48,000	52,48,000
65	Irrigation and Soil Conservation	Revenue	---	15,26,93,430	15,26,93,430
		Capital	---	15,43,52,207	15,43,52,207
66	Other expenditure pertaining to Narmada and Water Resources Department	Revenue	---	66,965	66,965

No. of Excess Demand/ Appropriation	Services and Purposes		Sums not exceeding		
			Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2		3		
67	Panchayats and Rural Housing Department	Revenue	---	1,56,405	1,56,405
68	Community Development	Revenue	---	60,075	60,075
69	Rural Housing	Revenue	4,60,722	28,559	4,89,281
70	Compensation and Assignments	Revenue	---	27,05,211	27,05,211
71	Other expenditure pertaining to Panchayats and Rural Housing Department	Revenue	---	28,58,689	28,58,689
74	District Administration	Revenue	---	49,89,960	49,89,960
76	Dangs District	Revenue	---	1,52,35,125	1,52,35,125
77	Compensation and Assignments	Revenue	2,73,344	---	2,73,344
80	Non-Residential Buildings	Revenue	---	5,90,32,492	5,90,32,492
81	Residential Buildings	Capital	---	3,46,10,314	3,46,10,314
82	Roads and Bridges	Revenue	---	68,08,85,812	68,08,85,812
		Capital	---	26,17,04,199	26,17,04,199
84	Gujarat Capital Construction Scheme	Capital	---	4,76,99,301	4,76,99,301
85	Other expenditure pertaining to Roads and Buildings Department	Revenue	---	13,14,627	13,14,627
87	State Excise	Revenue	---	3,76,788	3,76,788
88	Social Security and Welfare	Revenue	---	1,26,92,126	1,26,92,126
89	Welfare of Scheduled Tribes	Capital	---	43,28,847	43,28,847
90	Other expenditure pertaining to Social Welfare and Tribal Development Department	Capital	---	5,68,957	5,68,957
91	Special Component Plan for Scheduled Castes	Revenue	---	14,32,158	14,32,158
92	Tribal Area Sub-Plan	Revenue	1,60,285	---	1,60,285
93	Urban Development and Urban Housing	Revenue	---	2,81,269	2,81,269
94	Urban Housing	Revenue	---	73,044	73,044
98	Youth Services and Cultural Activities	Revenue	---	1,88,260	1,88,260
	<b>Total:</b>	Revenue	17,41,523	1,36,10,51,977	1,36,27,93,500
		Capital	1,03,74,68,921	1,47,86,47,873	2,51,61,16,794
	<b>Grand Total:</b>		1,03,92,10,444	2,83,96,99,850	3,87,89,10,294



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## PART - IV

### Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 4<sup>th</sup> March, 2004 is hereby published for general information.

S. S. PARMAR,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 10 OF 2004.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 6<sup>th</sup> March, 2004).

### AN ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 1993.

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation (Excess Expenditure) (Second) Act, 2004.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of four hundred twenty-seven crores, fourteen lakhs, forty-two thousand, seventy-five rupees towards defraying the several charges which have come in course of payment during the financial year ending on the thirty-first day of March, 1993, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of  
Rs. 4,27,14,42,875  
from and out of the  
Consolidated Fund of  
the State of Gujarat  
for the financial year  
1992-93.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ending on the thirty-first day of March, 1993.

Appropriation.

**SCHEDULE**

(See sections 2 and 3)

No. of Excess Demand/ Appropriation	Services and Purposes		Sums not exceeding		
			Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2		3		
4	Animal Husbandry and Dairy Development	Capital	---	4,50,000	4,50,000
5	Fisheries	Capital	---	11,45,895	11,45,895
8	Education Department	Revenue	---	4,97,558	4,97,558
9	Education	Revenue	---	18,16,95,983	18,16,95,983
18	Pension and other retirement benefits	Revenue	---	29,89,70,646	29,89,70,646
19	Other expenditure pertaining to Finance Department	Capital	2,58,616	---	2,58,616
20	Repayment of debt pertaining to Finance Department and its servicing	Capital	2,03,51,72,071	---	2,03,51,72,071
23	Food	Revenue	---	10,10,061	10,10,061
24	Other expenditure pertaining to Food and Civil Supplies Department	Capital	---	2,23,056	2,23,056
31	Elections	Revenue	---	1,78,796	1,78,796
32	Public Service Commission	Revenue	61,192	1,45,855	2,07,047
38	Health and Family Welfare Department	Revenue	---	1,61,604	1,61,604
42	Other expenditure pertaining to Health and Family Welfare Department	Capital	---	22,655	22,655
43	Home Department	Revenue	---	17,11,110	17,11,110
44	Police	Revenue	---	10,24,58,597	10,24,58,597
45	Jails	Revenue	---	84,50,797	84,50,797
46	Transport	Revenue	---	42,82,24,490	42,82,24,490
47	Other expenditure pertaining to Home Department	Revenue	---	86,07,434	86,07,434
49	Stationery and Printing	Revenue	---	1,54,06,752	1,54,06,752
50	Industries	Revenue	---	8,00,02,681	8,00,02,681
52	Other expenditure pertaining to Industries and Mines Department	Capital	---	1,96,258	1,96,258
57	Labour and Employment Department	Revenue	---	1,39,678	1,39,678
61	Administration of Justice	Revenue	80,453	---	80,453
65	Irrigation and Soil Conservation	Revenue	---	7,24,70,212	7,24,70,212



No. of Excess Demand/ Appro- priation	Services and Purposes		Sums not exceeding		
			Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2		3		
66	Other expenditure pertaining to Narmada and Water Resources Department	Revenue	---	89,870	89,870
71	Other expenditure pertaining to Panchayats and Rural Housing Department	Revenue	---	1,20,26,387	1,20,26,387
		Capital	---	94,625	94,625
72	Revenue Department	Revenue	---	3,74,840	3,74,840
74	District Administration	Revenue	---	28,25,399	28,25,399
76	Dangs District	Revenue	---	46,08,470	46,08,470
80	Non-Residential Buildings	Revenue	---	10,02,90,236	10,02,90,236
81	Residential Buildings	Capital	---	6,29,61,968	6,29,61,968
82	Roads and Bridges	Revenue	---	46,17,48,595	46,17,48,595
		Capital	---	27,46,01,496	27,46,01,496
84	Gujarat Capital Construction Scheme	Revenue	---	34,92,999	34,92,999
		Capital	---	1,34,16,134	1,34,16,134
85	Other expenditure pertaining to Roads and Buildings Department	Revenue	---	51,74,514	51,74,514
86	Social Welfare and Tribal Development Department	Revenue	---	1,02,600	1,02,600
87	State Excise	Revenue	---	5,75,220	5,75,220
88	Social Security and Welfare	Revenue	---	67,96,570	67,96,570
90	Other expenditure pertaining to Social Welfare and Tribal Development Department	Capital	---	97,655	97,655
92	Tribal Area Sub-Plan	Revenue	---	8,43,00,975	8,43,00,975
93	Urban Development and Urban Housing Department	Revenue	---	1,21,072	1,21,072
	Total:	Revenue	1,41,645	1,88,26,60,001	1,88,28,01,646
		Capital	2,03,54,30,687	35,32,09,742	2,38,86,40,429
	Grand Total :		2,03,55,72,332	2,23,58,69,743	4,27,14,42,075



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# The Gujarat Government Gazette EXTRAORDINARY

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## PART IV

### Acts of Gujarat Legislature and ORdinances Promulgated and Regulation made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 25th May, 2004 is hereby published for general information.

**S. S. PARMAR,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs  
Department.

### GUJARAT ACT NO. 13 OF 2004.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 26th May, 2004).

#### AN ACT

to enable the Government to prescribe the Official Seals of Sessions Judge, Magistrate and other public authorities.

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Public Authorities Seals Act, 2004.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title, extent  
and  
commencement.

Power of  
State  
Government  
to prescribe  
seals of  
public  
authorities.

2. The State Government may, by notification in the *Official Gazette*, direct what official seals each of the following public authorities shall have and use, namely:-

- (a) Sessions Judge, Additional Sessions Judge and Assistant Sessions Judge;
- (b) Magistrate;
- (c) any other judicial officer or public authority whose official seal is not prescribed by law and no other authority is legally competent to prescribe.

Repeal and  
savings.

3. The Bombay Public Authorities Seals Act, 1883, in its application to the State of Gujarat, is hereby repealed:

Bom.V of  
1883.

Provided that such repeal shall not affect previous operation of the law so repealed and anything done or any action taken (including any appointment, notification, rule, order, form, application, reference, notice, report or certificate made or issued) under the law shall, in so far as it is not inconsistent with the provisions of this Act be deemed to have been done or taken under the corresponding provision of this Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.



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**S. S. PARMAR,**

Secretary to the Government of Gujarat ,  
Legislative and Parliamentary Affairs  
Department.

### GUJARAT ACT NO. 14 OF 2004.

(First published, after having received the assent of the Governor in the "*Gujarat Government Gazette*", on the 26th May, 2004).

### AN ACT

further to amend certain taxation laws.

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Taxation Laws (Amendment) Act, 2004. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. The enactments specified in column 2 of the Schedule shall be amended to the extent and in the manner specified against it in column 3 of the said Schedule. Amendment of certain taxation laws.



**SCHEDULE**  
( See section 2 )

Sr. No.	Name of enactments.	Extent of amendments
1	2	3
1.	The Gujarat Sales Tax Act, 1969 (Guj. 1 of 1970).	<p>1. In section 27, -</p> <p>(1) in sub-section (2), before clause (a), the following clause shall be inserted, namely :-</p> <p>“(aa) Joint Commissioners,”;</p> <p>(2) in sub-section (5), for the words “Deputy Commissioner” wherever they occur, the words “Joint Commissioner” and for the words “Deputy Commissioners”, the words “Joint Commissioners” shall be substituted;</p> <p>(3) in sub-section (6), for the words “Assistant Commissioners”, the words “Deputy Commissioners, Assistant Commissioners” shall be substituted;</p> <p>(4) in sub-section (7), for the words “Deputy Commissioners”, the words “Joint Commissioners” shall be substituted.</p> <p>2. In section 47A, in sub-section (1), -</p> <p>(1) in clause (i), for the words “Deputy Commissioners”, the words “Joint Commissioners” shall be substituted;</p> <p>(2) in clause (ii), for the words “Assistant Commissioners”, the words “Deputy Commissioners” shall be substituted;</p> <p>(3) in clause (iii), for the words “Sales Tax Officers”, the words “Assistant Commissioners of Sales Tax and the Sales Tax Officers” shall be substituted;</p> <p>(4) in clause (iiia), for the words “Sales Tax Officers”, the words “Assistant Commissioners of Sales Tax and the Sales Tax Officers” shall be substituted.</p> <p>3. In section 65, -</p> <p>(1) for sub-sections (1) and (2), the following shall be substituted, namely :-</p> <p>“(1) An appeal from every original order, not being an order mentioned in section 66, passed under this Act or rules made thereunder, shall lie,-</p> <p>(a) if the order is made by a Sales Tax Officer, an Assistant Commissioner of Sales Tax or any other officer</p>

subordinate thereto, to the Deputy Commissioner;

- (b) if the order is made by a Deputy Commissioner, to the Joint Commissioner;
- (c) if the order is made by a Joint Commissioner, Additional Commissioner or Commissioner, to the Tribunal.

(2) In the case of an order passed in appeal by a Deputy Commissioner or, as the case may be, by a Joint Commissioner, a second appeal shall lie to the Tribunal."

(2) in sub-section (5), for the words "the Assistant Commissioner or, as the case may be, by the Deputy Commissioner" where they occur at two places, the words "the Deputy Commissioner or, as the case may be, by the Joint Commissioner" shall be substituted.

2. The Gujarat State Tax on Professions, Trades, Callings and Employments Act, 1976  
(President's Act No. 11 of 1976).

1. In section 11, in sub-section (2), -

(1) in clause (i), for the words "Deputy Commissioners", the words "Joint Commissioners" shall be substituted;

(2) in clause (ii), for the words "the Assistant Commissioners", the words "the Deputy Commissioners" shall be substituted;

(3) in clause (iii), for the words "the Profession Tax Officers", the words "the Assistant Commissioners of Profession Tax and the Profession Tax Officers" shall be substituted;

(4) in clause (iv), for the words "the Profession Tax Officers", the words "the Assistant Commissioners of Profession Tax and the Profession Tax Officers" shall be substituted.

2. In section 12, in sub-section (1), in clause (a), in sub-clause (iii), for the words "Deputy Commissioners", the words "Joint Commissioners of Profession Tax, Deputy Commissioners" shall be substituted.

3. In section 13, in sub-section (1), -

(i) in clause (a), for the words "the Assistant Commissioner", the words "the Deputy Commissioner" shall be substituted;

(ii) in clause (b), for the words "the Deputy Commissioner", the words "the Joint Commissioner" and for the words "Assistant Commissioner", the words "Deputy Commissioner" shall be substituted;

(iii) in clause (c), for the words "Deputy Commissioner", the words "Joint Commissioner" shall be substituted.

4. In section 14, -

(1) in sub-section (1), -

(i) in clause (a), for the words "the Deputy Commissioner", the words "the Joint Commissioner" and for the words "Assistant Commissioner", the words "Deputy Commissioner" shall be substituted;

(ii) in clause (b), for the words "Deputy Commissioner", the words "Joint Commissioner" shall be substituted;

(2) in sub-section (3), for the words "Deputy Commissioner", the words "Joint Commissioner" shall be substituted.

5. In section 26, in sub-section (1), in clause (a), for the words "Deputy Commissioners", the words "Joint Commissioners" shall be substituted.

3. The Gujarat Purchase Tax on Sugarcane Act, 1989 (Guj. 11 of 1989).

1. In section 8, -

(1) in sub-section (2), before clause (a), the following clause shall be inserted, namely :-

"(aa) Joint Commissioners of Purchase Tax (Sugarcane),";

(2) in sub-section (5), for the word "Deputy", the word "Joint" shall be substituted;

(3) in sub-section (6), for the words "Assistant Commissioners", the words "Deputy Commissioners, Assistant Commissioners" shall be substituted;

(4) in sub-section (7), for the words "Deputy Commissioners", the words "Joint Commissioners" shall be substituted.

2. In section 21, -

(1) for sub-section (1), the following shall be substituted, namely :-

"(1) An appeal from every original order passed under this Act or the rules made thereunder, shall lie -

(a) if the order is made by the Purchase Tax Officer, Assistant Commissioner or any other officer subordinate thereto, to the Deputy Commissioner;

(b) if the order is made by a Deputy Commissioner, to the Commissioner;

(c) if the order is made by a Joint Commissioner, Additional Commissioner or Commissioner, to the Tribunal.”;

(2) in sub-section (2), for the words “Assistant Commissioner”, the words “Deputy Commissioner” shall be substituted;

(3) in sub-section (5), for the words “Assistant Commissioner” occurring at two places, the words “Deputy Commissioner” shall be substituted.

4. The Gujarat Tax on  
Luxury Commodities  
Act, 1995  
(Guj. 14 of 1995).

1. In section 6, in sub-section (2), in clause (b), for the words “Deputy Commissioners”, the words “Joint Commissioners of Luxury Commodities Tax, Deputy Commissioners” shall be substituted.

2. In section 16, -

(1) in sub-section (1), -

(i) in clause (a), for the words “the Assistant Commissioner”, the words “the Deputy Commissioner” and for the words “Luxury Commodities Tax Officer”, the words “the Assistant Commissioner or Luxury Commodities Tax Officer” shall be substituted;

(ii) in clause (b), for the words “an Assistant Commissioner”, the words “the Deputy Commissioner” shall be substituted;

(iii) in clause (c), for the words “Deputy Commissioner”, the words “Joint Commissioner” shall be substituted;

(2) in sub-section (2), for the words “an Assistant Commissioner”, the words “the Deputy Commissioner or the Joint Commissioner” shall be substituted.

IV-EX. 16-2

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### PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated  
and regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 25th May, 2004 is hereby published for general information.

**S. S. PARMAR,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 15 OF 2004.

(First published, after having received the assent of the Governor in the "*Gujarat Government Gazette*", on the 26th May, 2004.).

### AN ACT

to repeal the Gujarat Wild Animals and Wild Birds Protection Act, 1963.

It is hereby enacted in the Fifty-fifth Year of the Republic of India, as follows:-

1. This Act may be called the Gujarat Wild Animals and Wild Birds Protection Short title.  
(Repeal) Act, 2004.

**Repeal and  
savings.**

2. (1) The Gujarat Wild Animals and Wild Birds Protection Act, 1963 is hereby repealed. **Guj. XXXII of 1963.**

(2) Notwithstanding such repeal, the provisions of section 7 of the Bombay General Clauses Act, 1904 shall apply in relation to the repeal of the Gujarat Wild Animals and Wild Birds Protection Act, 1963 as if the Act had been an enactment within the meaning of the said section 7. **Bom. 1 of 1904  
Guj. XXXII of 1963.**

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### PART IV

#### Acts of Gujarat Legislature and Ordinances Promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 25th May, 2004 is hereby published for general information.

S. S. PARMAR,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### GUJARATACT NO. 16 OF 2004.

(First published, after having received the assent of the Governor in the "*Gujarat Government Gazette*", on the 26th May, 2004).

#### AN ACT

to repeal the Bombay Devadasis Protection Act, 1934  
in its application to the State of Gujarat.

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :-

- |   |              |
|---|--------------|
| 1. This Act may be called the Bombay Devadasis Protection (Gujarat Repeal) Act, 2004.                       | Short title. |
| 2. The Bombay Devadasis Protection Act, 1934 in its application to the State of Gujarat is hereby repealed. | Repeal.      |

Bom. X of  
1934.



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## PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented  
to by the Governor on the 28<sup>th</sup> May, 2004 is hereby published for general  
information.

S. S. PARMAR,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 17 OF 2004.

(First published, after having received the assent of the Governor in  
the "Gujarat Government Gazette", on the 29<sup>th</sup> May, 2004).

### AN ACT

to repeal the Bombay National Parks Act, 1950  
in its application to the State of Gujarat.

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows:-

1. This Act may be called the Bombay National Parks (Gujarat Repeal) Act, Short title.  
2004.

Bom. LIV of  
1950.

2. The Bombay National Parks Act, 1950 in its application to the State of Gujarat Repeal.  
is hereby repealed.

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## PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented  
to by the Governor on the 10<sup>th</sup> June, 2004 is hereby published for general  
information.

S. S. PARMAR,

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 18 OF 2004.

(First published, after having received the assent of the Governor in  
the "Gujarat Government Gazette", on the 11<sup>th</sup> June, 2004).

### AN ACT

*further to amend the Bombay Stamp Act, 1958.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India as  
follows:-

1. This Act may be called the Bombay Stamp (Gujarat Amendment) Act,  
2004.

Short title.

Bom. LX of  
1958:

2. In the Bombay Stamp Act, 1958 (hereinafter referred to as the "the  
principal Act"), in section 32A,--

Amendment of  
section 32A of  
Bom. LX of  
1958.

(1) to sub-section (1), the following proviso shall be inserted, namely:--

"Provided that for the purpose of this sub-section, the consideration set forth in an instrument executed by the State Government, the Central Government, a local authority, Gujarat Housing Board, Gujarat Slum Clearance Board or Gujarat Industrial Development Corporation, shall be deemed to be the true market value of the property which is the subject matter of such instrument.";

(2) the proviso to sub-section (3) shall be deleted.

Amendment  
of section  
32B of Bom.  
LX of 1958.

3. In the principal Act, in section 32B, in sub-section (1), for the words "within a period of sixty days", the words "within a period of ninety days" shall be substituted.

Amendment  
of section 53  
of Bom. LX  
of 1958.

4. In the principal Act, in section 53, in sub-section (1), in the proviso, in clause (a), for the words "sixty days", the words "ninety days" shall be substituted.

Amendment  
of Schedule I  
to Bom. LX  
of 1958.

5. In the principal Act, in Schedule I,--

(1) in article 20, in clauses (a) and (b), for the words "Eight rupees", the words "Six rupees" shall be substituted;

(2) in article 27, in clause (b), in sub-clause (i), for the words "Eight rupees", the words "Six rupees" shall be substituted.



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## PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been passed by the Governor on the 17<sup>th</sup> June, 2004 is hereby published for general information.

S. S. PARMAR,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

## GUJARAT ACT NO. 19 OF 2004.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 18<sup>th</sup> June, 2004).

## AN ACT

to repeal certain Acts.

WHEREAS it is expedient to repeal certain obsolete Acts, it is hereby enacted in the Fifty-fifth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Repealing Act, 2004.

Short title.



**Definition.**

2. In this Act, unless the context otherwise requires, "Land Tenure Abolition Act" means an Act specified in Part I of the Schedule.

**Repeal of certain Acts.**

3. The Acts specified in the Schedule are hereby repealed.

**Savings**

4. (1) Notwithstanding the repeal of Land Tenure Abolition Act (hereinafter in this sub-section and sub-section (2) referred to as "the said Act") by section 3,-

(a) land made liable to payment of land revenue in accordance with the Bombay Land Revenue Code, 1879 and the rules made thereunder by the said Act shall continue to be so liable, and

Bom V  
of 1879.

(b) the liability to pay land revenue levied under the said Code imposed on the holder of land by the said Act shall continue.

(2) The repeal of the said Act by section 3 shall not affect-

(a) any restriction imposed by the said Act on transfer of land; or

(b) the application of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 or, as the case may be, the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 to any land or the relationship between holder of land or, as the case may be, landlord and his tenant made by the said Act.

Bom LXVII  
of 1948.

Bom. XCIX  
of 1958.

(3) Without prejudice to the provisions contained in sub-sections (1) and (2) and subject thereto, section 7 of the Bombay General Clauses Act, 1904 shall apply in relation to the repeal of the Acts specified in the Schedule as if the Act had been an enactment within the meaning of the said section 7.

Bom. I of  
1904.



**SCHEDULE***(See section 3)***Part I**

Year	No.	Short title of the Act
1	2	3
1949	Bom. LXII	The Bombay Taluqdari Tenure Abolition Act, 1949.
1951	Saurashtra XXVI	The Saurashtra Barkhali Abolition Act, 1951.
1953	Bom. XLV	The Bombay Merged Territories (Baroda Mul Giras Tenure Abolition) Act, 1953.

**Part II**

Year	No.	Short title of the Act
1	2	3
1901	Bom. VI	The Bombay Land Revenue Code (Amendment) Act, 1901.
1913	Bom. IV	The Bombay Land Revenue Code (Amendment) Act, 1913.
1947	Bom. XLV	The Bombay Land Revenue Code (Amendment) Act, 1947.
1948	Bom. XXXV	The Bombay Land Revenue Code (Amendment) Act, 1948.
1950	Bom. VI	The Bombay Land Revenue Code (Amendment) Act, 1950.

1950	Bom. XXXIII	The Bombay Land Revenue Code (Amendment) Act, 1950.
1950	Bom. LX	The Bombay Land Revenue Code (Amendment) Act, 1950.
1953	Bom. VII	The Bombay Land Revenue Code (Amendment) Act, 1953.
1955	Bom. XIV	The Bombay Land Revenue Code (Amendment) Act, 1955.
1956	Bom. XXVIII	The Bombay Land Revenue Code (Amendment) Act, 1956.
1956	Bom. XLV	The Bombay Land Revenue Code (Amendment) Act, 1956.
1959	Bom. XLI	The Bombay Land Revenue Code (Amendment) Act, 1959.
1960	Bom. III	The Bombay Land Revenue Code (Amendment) Act, 1960.
1965	Guj. 35	The Bombay Land Revenue (Extension to Kutch Area and Amendment) Act, 1965.
1972	Guj. 25	The Bombay Land Revenue and the Gujarat Panchayats and Education Cess (Amendment) Act, 1972.
1976	Guj. 26	The Bombay Land Revenue (Gujarat Amendment) Act, 1976.
1977	Guj. 25	The Bombay Land Revenue (Gujarat Amendment) Act, 1977.
1980	Guj. 3	The Bombay Land Revenue (Gujarat Amendment) Act, 1980.
1980	Guj. 37	The Bombay Land Revenue (Gujarat Second Amendment) Act, 1980.
1981	Guj. 2	The Bombay Land Revenue (Gujarat Amendment and Validation) Act, 1981.
1981	Guj. 24	The Bombay Land Revenue (Gujarat Amendment) Act, 1981.
1982	Guj. 8	The Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat Amendment) Act, 1982.

**Part III**

Year	No.	Short title of the Act
1	2	3
1957	Bom. I	The Sir Chinubhai Madhavlal Ranchhodlal Baronetcy (Repealing) Act, 1956.
1957	Bom. IV	The Royal Family (Baroda) Trust Fund (Repealing) Act, 1956.
1957	Bom. XXXVI	The Sir Sassoon Jacob David Baronetcy (Repealing) Act, 1957.
1960	Bom. IX	The Sir Currimbhoy Ebrahim Baronetcy (Repeal and Distribution of Trust Properties) Act, 1959.
1961	Guj. X	The Bhavnagar Mercantile Disputes Settlement Rules (Repealing and Consequential Provisions) Act, 1961.
1961	Guj. XXI	The Dangs (Validation of Civil and Criminal Jurisdiction) Act, 1961.
1964	Guj. 15	The Gujarat Commissioners (Abolition of Office) Act, 1964.

**Part IV**

Year	No.	Short title of the Act
1	2	3
1968	Guj. 4	The Gujarat Agricultural Lands Ceiling (Amendment) Act, 1968.
1969	Guj. 16	The Gujarat Agricultural Lands Ceiling (Amendment) Act, 1969.
1974	Guj. 2	The Gujarat Agricultural Lands Ceiling (Amendment) Act, 1972.
1976 Hb-222-2	Presi. Act No. 43	The Gujarat Agricultural Lands Ceiling (Amendment) Act, 1976.



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and Regulations made by the Governor.

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to by the Governor on the 17<sup>th</sup> June, 2004 is hereby published for general  
information.

S. S. PARMAR,

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 20 OF 2004.

(First published, after having received the assent of the Governor in  
the "Gujarat Government Gazette", on the 18<sup>th</sup> June, 2004).

### AN ACT

further to amend the Bombay Aerial Ropeways Act, 1955.

It is hereby enacted in the Fifty-fifth Year of the Republic of India  
as follows:-

1. (1) This Act may be called the Bombay Aerial Ropeways **Short title and commencement.**  
(Gujarat Amendment) Act, 2004.
- (2) It shall come into force on such date as the State  
Government may, by notification in the *Official*  
*Gazette*, appoint.



Amendment of  
section 3 of  
Bom.III of 1956.

2.

In the Bombay Aerial Ropeways Act, 1955 (hereinafter referred to as "the principal Act"), in section 3, for sub-section (2), the following shall be substituted, namely:-

"(2) The Advisory Board shall consist of a Chairperson who shall be the Chief Electrical Inspector and seven other members to be appointed by the State Government amongst the persons having knowledge or experience in the fields of ropeway, structural, mechanical, electrical and metallurgical engineering:

Provided that the Board may invite an expert in the meeting of the Board and such invitee may take part in the meetings but shall not have right to vote in the meeting."

Amendment of  
section 5 of  
Bom.III of 1956.

3.

In the principal Act, in section 5, the following words shall be added at the end, namely:-

"and the rules made thereunder and in conformity with the provisions of the relevant code of practice of the Bureau of Indian Standard."

Amendment of  
section 7 of  
Bom.III of 1956.

4.

In the principal Act, in section 7, after clause (f), the following clauses shall be added, namely:-

"(g) a description of basic engineering design and risk analysis of ropeway, schemes for safety requirements and emergency plan for rescue operations;

(h) drawings showing the electrical layouts control circuits, lighting circuits and earthing systems;

(i) such other information and documents as may be prescribed."

5. In the principal Act, in section 9, in sub-section (4), in clause (vi), the following words shall be added at the end, namely:-

Amendment of section 9 of Bom.III of 1956

"and the requirement of the certificate of a recognised testing laboratory of the major materials to be used and essential for the safety of the installation."

6. In the principal Act, after section 14, the following new section shall be inserted, namely:-

Insertion of new section 14A in Bom.III of 1956.

Periodical inspection after opening of aerial ropeway.

"14A. (1) Every aerial ropeway shall be inspected by the Inspector at least once in a year.

(2) Before the initial inspection is carried out by the Inspector under section 14 or the periodical inspection under sub-section (1), the promoter shall also submit a report of inspection carried out by an agency authorised by the Advisory Board in this behalf."

7. In the principal Act, after section 19, the following new sections shall be inserted, namely:-

Insertion of new sections 19A and 19B in Bom.III of 1956.

Insurance against the third party risk.

"19A. (1) The promoter of every aerial ropeway shall obtain a policy of insurance in respect of the aerial ropeway from an authorised insurer recognised under the relevant insurance law.

(2) The policy of insurance obtained by the promoter under sub-section (1) shall cover the insurance of the person traveling in the aerial ropeway including those persons employed by the promoter in connection with the operation of such aerial ropeway against any liability which may be incurred by him in respect of the death of or bodily injury to any person including of the goods or his authorized representatives carried in the aerial ropeway or damage to any property of third party caused by or arising out of the use of aerial ropeway.

Liability to pay compensation on the principles of no fault.

19B. (1) Where death or permanent disablement of any person has resulted from an accident arising out of the use of aerial ropeway, the promoter or promoters of the aerial ropeway shall jointly and severally, be liable to pay compensation in respect of such death or disablement of any person.

(2) The amount of compensation to be paid under sub-section (1) shall be a fixed sum of rupees two lacs in case of death of any person and rupees fifty thousand in case of permanent disablement of any person and in the case of minor injuries such sum not exceeding rupees twenty-five thousand as may be determined by the Advisory Board.

(3) A claim for compensation under sub-section (1) shall neither be defeated by reason of any wrongful act, neglect or default of the person in respect of whose death or permanent disablement, the claim has been made nor shall be quantum of compensation recoverable in respect of such death or permanent disablement be reduced on the basis of the share of such person in the responsibility for such death or permanent disablement.

(4) The right to claim compensation under this section in respect of death or permanent disablement of any person shall be in addition to the right of any such person to claim compensation in respect thereof under any other law for the time being in force:

Provided that the amount of compensation payable under any other law for the death or bodily injury shall be reduced from the amount of compensation payable under this section."

8. In the principal Act, in section 20,-  
**Amendment of section 20 of Bom.III of 1956.**
- (1) for the words "send notice of the accident to the State Government and to the Inspector". the words "give intimation to the State Government and to the Inspector and send a notice of the accident to the State Government and to the Inspector in such form and within such period as may be prescribed " shall be substituted;
- (2) for the words "Greater Bombay, to the Commissioner of Police", the words "Commissioner of Police in the City area" shall be substituted.
9. In the principal Act, in section 29, for the words "revision by the District Judge", the words "revision by a judge of the City Civil Court in the city of Ahmedabad and elsewhere by the District Judge" shall be substituted.  
**Amendment of section 29 of Bom. III of 1956.**
10. In the principal Act, in section 30, in the *Explanation*, for the words and figures "the Indian Companies Act, 1913", the words and figures "the Companies Act, 1956" shall be substituted.  
**Amendment of section 30 of Bom. III of 1956.**
11. In the principal Act, in section 33, in sub-section (2),-  
**Amendment of section 33 of Bom. III of 1956.**
- (1) after clause (c), the following clause shall be inserted, namely:-  
"(cc) fails to carry out inspection under sub-section (2) of section 14A, or";
- (2) after clause (e), the following clauses shall be inserted, namely:-  
"(ee) fails to obtain policy of insurance under sub-section(1) of section 19A; or  
(eee) fails to pay within reasonable time, compensation payable under section 19B, or";

VII of 1913.

I of 1956.



(3) for the words "two hundred rupees", the words "ten thousand rupees" shall be substituted;

(4) for the words "fifty rupees", the words "two thousand five hundred rupees" shall be substituted;

(5) for the words "one thousand rupees", the words "fifty thousand rupees" shall be substituted.

Amendment  
of section 34  
of Bom. III  
of 1956.

12. In principal Act, in section 34, for the words "two hundred rupees", the words "ten thousand rupees" shall be substituted.

Amendment  
of section 35  
of Bom. III  
of 1956.

13. In the principal Act, in section 35, for the words "two hundred rupees", the words "ten thousand rupees" shall be substituted.

Amendment  
of section 42  
of Bom. III of  
1956.

14. In the principal Act, in section 42, in sub-section (1), for the figures "14, 15, 16, 17", the figures and letters "14, 14A, 15, 16, 17, 19A, 19B" shall be substituted.

Amendment  
of section 45  
of Bom. III of  
1956.

15. In the principal Act, in section 45, in sub-section (2)-

(1) after clause (a), the following clauses shall be inserted, namely:-

"(aa) construction, opening, maintaining and working of aerial ropeway under section 5;

(aaa) other information and documents which shall contain with the application under section 7;";

(2) in clause (d), for sub-clause (vi), the following sub-clauses shall be substituted, namely:-

"(vi) the conduct of the employees of the promoter and the requirements, qualifications and experience of such employees;

"(vi-a) the provision regarding emergency plan covering risk assessment connected with such operation ;";

(3) in clause (g), for the words "the accidents of which", the words "form in which, the period within which and the accident of which" shall be substituted.

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## PART - IV

### Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 17<sup>th</sup> June, 2004 is hereby published for general information.

S. S. PARMAR,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 21 OF 2004.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 18<sup>th</sup> June, 2004).

### AN ACT

to provide for regulating exhibitions by means of cinematographs and the licensing of places in which cinematograph films are exhibited in the State of Gujarat.

WHEREAS it is expedient to provide for regulating exhibitions by means of cinematographs and the licensing of places in which cinematograph films are exhibited in the State of Gujarat;

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Cinemas (Regulation) Act, 2004.

Short title and  
extent.

(2) It extends to the whole of the State of Gujarat.

**Definitions.**

2. In this Act, unless there is anything repugnant in the subject or context, -

(a) "cinematograph" includes any apparatus for the representation, moving pictures or series of pictures;

(b) "licensing authority" means the authority empowered to grant licences under section 4;

(c) "place" includes a house, building, tent and any description of transport, whether by sea, land or air;

(d) "prescribed" means prescribed by rules made under this Act.

**Cinematograph exhibitions to be licensed.**

3. Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act or otherwise than in compliance with any conditions and restrictions imposed by such licence.

**Licensing authority.**

4. The authority having power to grant licences under this Act shall be -

(i) in areas for which a Commissioner of Police is appointed under section 7 of the Bombay Police Act, 1951, such Commissioner; and

Bom. XXII of 1951.

(ii) elsewhere, the District Magistrate:

Provided that the State Government may, by notification in the *Official Gazette* constitute for the whole or any part of the State of Gujarat such other authority as it may specify in the notification to be the licensing authority for the purposes of this Act.

**Restriction on powers of licensing authority.**

5. (1) The licensing authority shall not grant a licence under this Act, unless it is satisfied that -

(a) the rules made under this Act have been substantially complied with, and

(b) adequate precautions have been taken in the place, in respect of which the licence is to be given, to provide for the safety of persons attending exhibition therein.

(2) Subject to the provisions of sub-section (1), and to the control of the State Government, the licensing authority may grant licences



under this Act to such persons as that authority thinks fit and on payment of such fees and on such terms and conditions and subject to such restrictions as may be prescribed.

(3) The State Government may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure, an adequate opportunity of being exhibited, and where any such directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

6. (1) The State Government, in respect of the whole of the State of Gujarat or any part thereof, or the licensing authority, in respect of the area within its jurisdiction, may, if it is of the opinion that any film which is being publicly exhibited is likely to cause a breach of the public order, by order, suspend the exhibition of the film and during such suspension, such film shall be deemed to be an uncertified film in the area specified in the order.

**Power of State Government or licensing authority to suspend exhibition of films in certain cases.**

(2) When an order under sub-section (1) has been issued by the licensing authority, a copy thereof together with a statement of reasons therefor, shall forthwith be forwarded by the licensing authority to the State Government and the State Government may either confirm or annul the order.

(3) An order made under sub-section (1) shall, unless it is annulled by the State Government under sub-section (2), remain in force for a period of two months from the date thereof but the State Government may, if it is of the opinion that the order should continue in force, extend the period of suspension from time to time for such further period as it thinks fit.

7. If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used, in contravention of the provisions of this Act or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act or if the owner or persons in charge of a cinematograph contravenes any of the conditions or restrictions imposed by an order of exemption made under section 13, he shall on conviction, be punished with fine which may extend to one thousand rupees and in the case of a continuing offence with a further fine which may extend to one hundred rupees for each day

**Penalties for contravention of Act.**

during which the offence continues after conviction for the first such offence.

Power to  
revoke or  
suspend  
licence.

8. In the event of any contravention by the holder of a licence of any of the provisions of this Act or the rules made thereunder or of any of the conditions or restrictions upon or subject to which the licence has been granted to him under this Act or of any of the conditions or restrictions imposed by an order of exemption made under section 13, or in the event of his conviction of an offence under section 7 of this Act or section 7 of the Cinematograph Act, 1952, the licensing authority may revoke the licence or suspend it for such period as it may think fit:

XXXVII of 1952.

Provided that no licence shall be revoked or suspended unless the holder thereof has been given reasonable opportunity to show cause.

Appeal.

9. Any person aggrieved by an order of a licensing authority refusing to grant a licence, or revoking or suspending any licence under section 8, may within such period as may be prescribed, appeal to the State Government and the State Government shall, on such appeal make such order as it thinks just and proper, and such order shall, subject to provisions of sections 10 and 11, be final.

Revision.

10. (1) The State Government may either of its own motion, or upon an application by an aggrieved person made within such period as may be prescribed, call for and examine the record of any order made by licensing authority under this Act, and pass such order thereon as it thinks just and proper.

(2) The State Government shall -

(i) before passing any order under sub-section (1), which is likely to affect any person adversely, give such persons a reasonable opportunity of being heard, and

(ii) record its reasons for passing an order under the said sub-section.

Review.

11. Any person who, considering himself aggrieved by an order of the State Government under section 9 or 10, desires to obtain a review of the order passed against him, on the ground of some mistake or error apparent on the face of the record or on the ground that some new fact has been discovered which could not be placed earlier before the licensing authority or the State Government inspite of due diligence on the part of such person, may, within such period

as may be prescribed, apply for a review of the order to the State Government and the State Government shall, after making such inquiry as it thinks fit, pass such order as it considers necessary in the circumstances of the case.

12. (1) The State Government may by notification in the *Official Gazette*, make rules for the purpose of carrying into effect the provisions of this Act. **Power to make rules.**

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

(a) prescribing the procedure in accordance with which a licence may be obtained and the terms, conditions and restrictions, if any, subject to which licences may be granted under this Act and fees for such licences;

(b) prescribing the period within which an appeal under section 9 or a revision application under section 10 or a review application under section 11 may be made;

(c) providing for the regulation of cinematograph exhibitions for securing public safety;

(d) regulating the means of entrance and exit at places licensed under this Act and providing for prevention of disturbance there at;

(e) regulating or prohibiting the sale of any ticket or pass for admission by whatever name called to a place licensed under this Act.

(3) In making rules under this section, the State Government may provide that any person failing to comply with or contravening the provisions of any rules shall, on conviction, be punished with fine which may extend up to one thousand rupees.

(4) The power to make rules under this section shall be subject to the condition of previous publication.

(5) All rules made under this section shall be laid for not less than thirty days before the House of the State Legislature as soon as possible after they are made, and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(6) Any modifications so made by the State Legislature shall be notified in the *Official Gazette*, and thereupon shall take effect.

**Power to  
exempt.**

13. The State Government may, by order in writing, exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or of any rules made thereunder.

**Delegation of  
power under  
section 13.**

14. The State Government may, subject to such restrictions and conditions as it may think fit to impose, by notification in the *Official Gazette*, delegate to any of its officers the power conferred on it by section 13.

**Repeal and  
savings.**

15. (1) The Bombay Cinemas (Regulation) Act, 1953 is hereby repealed. Bom. XI of 1953.

(2) Notwithstanding such repeal of the said Act, anything done or any action taken (including any rule or order made, notification issued or appointment made) by or under that Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken by or under this Act and shall continue to be in force until superseded by anything done or any action taken under the provisions of this Act.

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information.

S. S. PARMAR,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 22 OF 2004.

(First published, after having received the assent of the Governor in  
the "Gujarat Government Gazette", on the 18<sup>th</sup> June, 2004).

### AN ACT

further to amend the Gujarat Town Planning and  
Urban Development Act, 1976.

It is hereby enacted in the Fifty-fifth Year of the Republic of India  
as follows:-

1. This Act may be called the Gujarat Town Planning and Urban Development (Amendment) Act, 2004. Short title.

President's Act No. 27 of 1976. 2. In the Gujarat Town Planning and Urban Development Act, 1976, in section 51, for the existing provisos, the following proviso shall be substituted, namely :- Amendment of section 51 of President's Act No. 27 of 1976.

"Provided that the State Government may, from time to time, by order in writing, extend the said period by such further period or periods as may be specified in the order and any such order extending the period may be made so as to have retrospective effect."



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information.

S. S. PARMAR,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 23 OF 2004.

(First published, after having received the assent of the Governor in  
the "Gujarat Government Gazette", on the 18<sup>th</sup> June, 2004).

### AN ACT

further to amend the Gujarat Sales Tax Act, 1969.

It is hereby enacted in the Fifty-fifth Year of the Republic of India as  
follows:-

1. (1) This Act may be called the Gujarat Sales Tax (Amendment) Act, 2004.  
(2) It shall come into force on the 1<sup>st</sup> July, 2004.

Short title and  
commencement.

Guj. 1 of  
1970.

2. In the Gujarat Sales Tax Act, 1969 (hereinafter referred to as "the principal  
Act"), after section 55BB, the following new section shall be inserted, namely: -

Insertion  
of new  
section  
55BBB in Guj.  
1 of 1970.

Composition  
of tax on  
cooked food,  
etc. sold by  
restaurants,  
caterers, etc.

55BBB. (1) A dealer who is exclusively engaged in the sales of cooked food and such other goods as may be prescribed (hereinafter referred to as the prescribed goods"), when served, -

- (i) for consumption at or outside, or
- (ii) at functions and parties outside, -

any eating house, restaurant, hotel, refreshment room or boarding establishment, which is not a shop or establishment conducted primarily for the sale of sweetmeats, ice-cream, confectionery, cakes, biscuits or pastries, may make an application, at his option and in the prescribed manner, for the permission to pay in lieu of the amount of tax leviable from him under this Act in respect of the prescribed goods, a *lump sum* by way of composition at the rate specified in sub-section (2).

(2) The Commissioner may, in such circumstances and subject to such conditions as may be prescribed, permit a dealer referred to in sub-section (1) to pay, in lieu of the amount of tax leviable from him under this Act in respect of the prescribed goods, a *lump sum* by way of composition at the rate of four per cent. of the aggregate turnover of sales of prescribed goods:

Provided that the dealer who has been granted permission shall not be liable to pay *lump sum* amount under this sub-section if his aggregate turnover of the sales of prescribed goods, during the period of twelve months immediately preceding the month in which the application has been made under sub-section (1), has not exceeded ten lakhs rupees during such period:

Provided further that such dealer shall become liable to pay *lump sum* amount under this sub-section if his aggregate turnover of the sales of prescribed goods, during the period of twelve months from the date of application under sub-section (1) first exceeds ten lakhs rupees at any time during such period. He shall accordingly become liable to pay *lump sum* amount under this sub-section,-

- (i) from the date on which the aggregate turnover of the sales of prescribed goods first exceeds ten lakhs rupees, and
- (ii) on the amount of the aggregate turnover of the sales of prescribed goods made from the aforesaid date.

**Explanation 1.-** For the purpose of this section, the words "aggregate turnover of sales of prescribed goods" shall mean the aggregate of the amounts of sales price and other charges received or receivable by a dealer in respect of any sales and resales of prescribed goods (whether tax-free, exempt or taxable or otherwise under this Act) made at all the places of his business during the given period.

*Explanation II.*— For the removal of doubt, it is clarified that a dealer who has been granted permission under sub-section (2) shall continue to be liable to pay tax at the rate applicable on the sales or purchases of taxable goods other than the prescribed goods.

(3) The provisions of sections 13, 51 and 55 shall not be applied in respect of the prescribed goods, to a dealer who has been granted permission under sub-section (2)."

3. In the principal Act, in Schedule I, the entry at serial No. 23 shall be deleted.

Amendment  
of Schedule I  
to Guj. 1 of  
1970.

4. In the principal Act, in Schedule II Part A, in the entry at serial No. 88, in sub-entry (a), in column 2, the words "at one time at a price more than seventy five rupees per person" shall be deleted.

Amendment  
of  
Schedule II,  
Part A to  
Guj. 1 of  
1970.

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S. S. PARMAR,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 24 OF 2004.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 18<sup>th</sup> June, 2004).

### AN ACT

further to amend the Bombay Electricity Duty Act, 1958.

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows:-

- |    |     |   |                               |
|----|-----|---|-------------------------------|
| 1. | (1) | This Act may be called for Bombay Electricity Duty (Gujarat Amendment) Act, 2004. | Short title and commencement. |
|    | (2) | It shall come into force on the 1 <sup>st</sup> July, 2004.                       |                               |

Bom. XL of 1958.

2. In the Bombay Electricity Duty Act, 1958 (hereinafter referred to as "the principal Act"), in section 3, in sub-section (2), after clause (iii), the following clause shall be inserted, namely :-

Amendment of section 3 of Bom. XL of 1958.

"(iii-a) in respect of pumping water for agricultural irrigation purposes including energy consumed for lighting the premises used as a pump house;"

Amendment  
of Schedule  
I to Bom.  
XL of 1958.

3.

In the principal Act, in Schedule I, in Part I, item (6) and the *Explanation* thereunder shall be deleted.

Amendment  
of Schedule  
II to Bom.  
XL of 1958.

4.

In the principal Act, in Schedule II, in Part I, in item (6), in column 2, for the figures and words "20 paise per unit", the figures and words "40 paise per unit" shall be substituted.

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S. S. PARMAR,

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 25 OF 2004.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 18<sup>th</sup> June, 2004).

### AN ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2005.

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation Act, 2004.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of twenty-one thousand six hundred fifty nine crore, twenty lakhs, two thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2004-05 in respect of the services and purposes specified in column 2 of the Schedule.

Withdrawal of  
Rs. 2,16,59,20,02,000  
from and out of the  
Consolidated Fund of  
the State of Gujarat  
for the financial year  
2004-2005.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

**SCHEDULE**  
(See Sections 2 and 3)

No. of Vote / Appropriation	Services and Purposes		Sums not exceeding		Total
			Voted	Charged on the Consolidated Fund	
1	2		3		
			Rs.	Rs.	Rs.
1	Agriculture and Co-operation Department	Revenue	25795000	0	25795000
2	Agriculture	Revenue	3250821000	69000	3250890000
		Capital	9933000	0	9933000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	135932000	0	135932000
		Capital	7000	0	7000
4	Animal Husbandry and Dairy Development	Revenue	433983000	0	433983000
5	Co-operation	Revenue	230828000	0	230828000
		Capital	9867000	0	9867000
6	Other Expenditure pertaining to Agriculture and Co-operation Department	Capital	61610000	0	61610000
7	Education Department	Revenue	19463000	0	19463000
8	Education	Revenue	25472102000	787433000	26259535000
9	Other Expenditure pertaining to Education Department	Revenue	7450000	0	7450000
		Capital	216917000	0	216917000
10	Energy and Petro-Chemicals Department	Revenue	12647000	0	12647000
11	Tax Collection Charges (Energy and Petro-Chemicals Department)	Revenue	39977000	0	39977000



No. of Vote / Appro- priation	Services and Purposes	Sums not exceeding			
		Voted	Charged on the Consolidated Fund	Total	
1	2	3			
12	Energy Projects	Revenue	13550927000	5000000	13555927000
		Capital	2268754000	0	2268754000
13	Other Expenditure Pertaining to Energy and Petro- Chemicals Department	Revenue	1000000	0	1000000
		Capital	31633000	0	31633000
14	Finance Department	Revenue	45510000	0	45510000
		Capital	600000	0	600000
15	Tax Collection Charges (Finance Department)	Revenue	459739000	0	459739000
16	Treasury and Accounts Administration	Revenue	297133000	0	297133000
17	Pension and Other Retirement Benefits.	Revenue	9076314000	667000	9076981000
18	Other Expenditure pertaining to Finance Department	Revenue	2413200000	0	2413200000
		Capital	2030232000	67000	2030299000
19	Repayment of debt pertaining to Finance Department and its Servicing	Revenue	0	36866592000	36866592000
		Capital	0	16103055000	16103055000
20	Food, Civil Supplies and Consumer Affairs Department	Revenue	47367000	0	47367000
21	Civil Supplies	Revenue	928280000	0	928280000
22	Food	Revenue	81066000	0	81066000
		Capital	1333000	0	1333000
23	Other Expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital	3267000	0	3267000
24	Forests and Environment Department	Revenue	12273000	0	12273000

No. of Vote / Appropriation	Services and Purposes	Sums not exceeding			
		Voted	Charged on the Consolidated Fund	Total	
1	2	3			
25	Forests	Revenue	797042000	71000	797113000
		Capital	493194000	0	493194000
26	Environment	Revenue	34933000	0	34933000
27	Other Expenditure pertaining to Forests and Environment Department	Capital	31350000	0	31350000
28	Governor	Revenue	0	15634000	15634000
29	Council of Ministers	Revenue	9834000	0	9834000
30	Elections	Revenue	505607000	0	505607000
31	Public Service Commission	Revenue	13391000	18322000	31713000
32	General Administration Department	Revenue	165887000	0	165887000
33	Economic Advice and Statistics	Revenue	49616000	0	49616000
34	Other Expenditure pertaining to General Administration Department	Revenue	1168560000	427000	1168987000
		Capital	6731377000	0	6731377000
35	State Legislature	Revenue	57357000	849000	58206000
36	Loans and Advances to Government Servants in Gujarat Legislature Secretariat	Capital	1338000	0	1338000
37	Health and Family Welfare Department	Revenue	41404000	0	41404000
			0	0	0
38	Medical and Public Health	Revenue	4909700000	0	4909700000
			0	0	0
39	Family Welfare	Revenue	802909000	0	802909000
40	Other Expenditure pertaining to Health and Family Welfare Department	Revenue	930000	0	930000
		Capital	40047000	0	40047000

No. of Vote / Appropriation	Services and Purposes	Sums not exceeding			
		Voted	Charged on the Consolidated Fund	Total	
1	2	3			
41	Home Department	Revenue	60808000	0	60808000
42	Police	Revenue	5587621000	0	5587621000
43	Jails	Revenue	181284000	0	181284000
44	Transport	Revenue	1350903000	0	1350903000
		Capital	1336533000	0	1336533000
45	State Excise	Revenue	32856000	0	32856000
46	Other Expenditure pertaining to Home Department	Revenue	314987000	200000	315187000
		Capital	1439772000	0	1439772000
47	Industries and Mines Department	Revenue	33731000	0	33731000
48	Stationery and Printing	Revenue	232878000	0	232878000
49	Industries	Revenue	1357854000	0	1357854000
		Capital	(-)319867000		(-)319867000
50	Mines and Minerals	Revenue	144187000	0	144187000
51	Tourism	Revenue	102694000	0	102694000
52	Other Expenditure pertaining to Industries and Mines Department	Revenue	59567000	0	59567000
		Capital	53373000	0	53373000
53	Information and Broadcasting Department	Revenue	3630000	0	3630000
54	Information and Publicity	Revenue	155533000	0	155533000
55	Other Expenditure pertaining to Information and Broadcasting Department	Revenue	19675000	0	19675000
		Capital	5867000	0	5867000

No. of Vote / Appropriation	Services and Purposes	Sums not exceeding			
		Voted	Charged on the Consolidated Fund	Total	
1	2	3			
56	Labour and Employment Department	Revenue	15767000	0	15767000
57	Labour and Employment	Revenue	636145000	0	636145000
58	Other Expenditure pertaining to Labour and Employment Department	Capital	37280000	0	37280000
59	Legal Department	Revenue	61369000	0	61369000
60	Administration of Justice	Revenue	888094000	133576000	1021670000
61	Other Expenditure pertaining to Legal Department	Revenue	80500000	0	80500000
		Capital	19370000	0	19370000
62	Legislative and Parliamentary Affairs Department	Revenue	13878000	0	13878000
63	Other Expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	470000	0	470000
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	36227000	0	36227000
65	Narmada Development Scheme	Capital	5395991000	0	5395991000
66	Irrigation and Soil Conservation	Revenue	15248868000	2930000	15251798000
		Capital	7905288000	7064000	7912352000
67	Water Supply	Revenue	1026860000	0	1026860000
		Capital	5180953000	0	5180953000
68	Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	0	21834000	21834000
		Capital	93867000	0	93867000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	21620000	0	21620000



No. of Vote / Appropriation	Services and Purposes		Sums not exceeding		Total
			Voted	Charged on the Consolidated Fund	
1	2		3		
70	Community Development	Revenue	2472249000	0	2472249000
71	Rural Housing and Rural Development	Revenue	1882984000	939728000	2822712000
72	Compensation and Assignments	Revenue	461868000	0	461868000
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	604457000	0	604457000
		Capital	136867000	0	136867000
74	Fisheries	Revenue	244539000	0	244539000
		Capital	(-)5345000	0	(-)5345000
75	Other Expenditure pertaining to Ports and Fisheries Department	Revenue	5967000	0	5967000
		Capital	2067000	0	2067000
76	Revenue Department	Revenue	76923000	0	76923000
77	Tax Collection Charges (Revenue Department)	Revenue	417250000	25000	417275000
78	District Administration	Revenue	506198000	628000	506826000
79	Relief on account of Natural Calamities	Revenue	2527600000	0	2527600000
80	Dangs District	Revenue	132969000	0	132969000
81	Compensation and Assignments	Revenue	153787000	1094000	154881000
		Capital	3209000	133000	3342000
82	Other Expenditure pertaining to Revenue Department	Revenue	4907000	0	4907000
		Capital	25087000	0	25087000
83	Roads and Buildings Department	Revenue	38713000	0	38713000
84	Non-Residential Buildings	Revenue	1359113000	1788000	1360901000
		Capital	759854000	0	759854000

No. of Vote / Appro- priation	Services and Purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
85	Residential Buildings	Revenue	480937000	1580000	482517000
		Capital	116461000	0	116461000
86	Roads and Bridges	Revenue	3275219000	3139000	3278358000
		Capital	3445644000	1350000	3446994000
87	Gujarat Capital Construction Scheme	Revenue	54814000	0	54814000
		Capital	143967000	0	143967000
88	Other Expenditure pertaining to Roads and Buildings Department	Revenue	67387000	5319000	72706000
		Capital	37583000	0	37583000
89	Science and Technology Department	Revenue	215470000	0	215470000
90	Other Expenditure pertaining to Science and Technology Department	Revenue	224815000	0	224815000
		Capital	44310000	0	44310000
91	Social Justice and Empowerment Department	Revenue	14533000	0	14533000
92	Social Security and Welfare	Revenue	1610422000	5333000	1615755000
		Capital	12017000	0	12017000
93	Welfare of Scheduled Tribes	Revenue	378891000	0	378891000
		Capital	11667000	0	11667000
94	Other Expenditure pertaining to Social Justice and Empowerment Department	Capital	9317000	0	9317000
95	Special Component Plan for Scheduled Castes	Revenue	2023033000	0	2023033000
		Capital	134600000	0	134600000
96	Tribal Area Sub-Plan	Revenue	5091638000	124000	5091762000
		Capital	1651284000	14000	1651298000
97	Sports, Youth and Cultural Activities Department	Revenue	6700000	0	6700000
98	Youth Services and Cultural Activities	Revenue	170138000	0	170138000

No. of Vote / Appropriation	Services and Purposes		Sums not exceeding		Total
			Voted	Charged on the Consolidated Fund	
1	2		3		
99	Other Expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital	3353000	0	3353000
100	Urban Development and Urban Housing Department	Revenue	10390000	0	10390000
101	Urban Housing	Revenue	16468000	368669000	385137000
102	Urban Development	Revenue	2163167000	0	2163167000
		Capital	1062000	0	1062000
103	Compensation, Assignments and Tax Collection Charges	Revenue	413333000	133402000	546735000
104	Other Expenditure pertaining to Urban Development and Urban Housing Department	Revenue	6578000	0	6578000
		Capital	3943000	0	3943000
105	Women and Child Development Department	Revenue	4867000	0	4867000
106	Other Expenditure pertaining to Women and Child Development Department	Revenue	1659740000	3333000	1663073000
		Capital	673000	0	673000
Total :			Revenue	121544577000	39317766000
			Capital	39617976000	16111683000
Grand Total :-			161162553000	55429449000	216592002000



# The Gujarat Government Gazette EXTRAORDINARY

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Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

## PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

LABOUR AND EMPLOYMENT DEPARTMENT  
Sachivalaya, Gandhinagar, Dated the 31<sup>st</sup> December, 2004.

GUJARAT ORDINANCE NO. 3 OF 2004.

### AN ORDINANCE

*further to amend the Bombay Labour Welfare Fund Act, 1953.*

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

Bom. XL of  
1953.

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bombay Labour Welfare Fund Act, 1953;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :-



1. **Short title and commencement.**- (1) This Ordinance may be called the Bombay Labour Welfare Fund (Gujarat Amendment) Ordinance, 2004.

(2) It shall come into force at once.

2. **Bom. XL of 1953 to be temporarily amended.**- During the period of operation of this Ordinance, the Bombay Labour Welfare Fund Act, 1953 (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in sections 3 to 5.

Bom. XL of  
1953.

3. **Amendment of section 2 of Bom. XL of 1953.**- In the principal Act, in section 2,--

(1) in clause (2), in sub-clause (b), for the words "seven hundred and fifty rupees", the words "three thousand and five hundred rupees" shall be substituted;

(2) in clause (10), for the words "three years", the words "one year" shall be substituted.

4. **Amendment of section 6A of Bom. XL of 1953.**- In the principal Act, in section 6A,--

(1) in sub-section (5), -

(i) for the words "three years", the words "one year" shall be substituted;

(ii) the words "each year" shall be deleted;

(2) in sub-section (7), for the words "four years", the words "two years" shall be substituted.

5. **Amendment of section 6B of Bom. XL of 1953.**- In the principal Act, in section 6B, for sub-section (2) and provisos thereunder, the following shall be substituted, namely:-

"(2) The amount of employee's contribution shall be payable every six months in respect of every employee whose name stands on the register of the establishment concerned in the month of June, or as the case may be, in the month of December, at the rate of three rupees for each such employee and the amount of employer's contribution shall be payable at every six months at the rate of six rupees for each such employee:

Provided that the State Government may, by notification in the *Official Gazette*, increase the said rate of employee's contribution to such amount not exceeding six rupees if it considers necessary so to do to enable the Board to fulfill the objects of this Act:

Provided further that where the rate of employee's contribution is so increased by the State Government, the rate of employer's contribution shall be twice the rate of employee's contribution as so increased."

**STATEMENT**

With the increased industrialisation in the State of Gujarat and in order to give benefit of the welfare activities to the employees working in the various factories and establishments and their dependants, it is considered necessary to enlarge the coverage with effective implementation of the Bombay Labour Welfare Fund Act, 1953 and to provide more finance to the Gujarat Labour Welfare Board so as to enable the Board to fulfill the objects of the Act.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the Bombay Labour Welfare Fund Act, 1953 to achieve the aforesaid objects.

Gandhinagar,  
Dated the 31<sup>st</sup> December, 2004.

**NAVAL KISHORE SHARMA,**  
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**V.K.BABBAR,**  
Principal Secretary to Government.

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GOVERNMENT CENTRAL PRESS, GANDHINAGAR.